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ABSTRACT

The proceedings of this hearing on the exploitation of children deal with the problems of children and adolescents who run away from home. Family problems and abuse that cause these children to leave home are described by former runaway witnesses. Other testimony is included from several people who work with runaway youths and describe programs to help adolescents who are on the street facing such problems as child pornography and child prostitution. Current laws dealing with the runaway problem are discussed and the need for improvement in the juvenile justice system is emphasized. The appendix contains a letter to the Attorney General and his response about the Justice Department's involvement in the exploitation of children as well as a statement by the Department of Health and Human Services on this problem. (JAC)

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EXPLOITATION OF CHILDREN

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HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

PROBLEMS OF EXPLOITED CHILDREN

NOVEMBER 5, 1981

Serial No. J–97–78

Printed for the use of the Committee on the Judiciary

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EXPLOITATION OF CHILDREN

THURSDAY, NOVEMBER 5, 1981

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON JUVENILE JUSTICE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 6226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senator Specter.

Also present: Bruce A. Cohen, chief counsel; Mary Louise Westmoreland, council.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen. We will come to order and commence this hearing of the Juvenile Justice Subcommittee of the Committee on the Judiciary.

Today we are going to be inquiring into the problems of exploited children, a problem which has grown to epidemic proportions in the United States, with more than 1 million young people running away from home, each year for a variety of reasons. The youngsters run away because of arguments with their parents, disagreements with brothers and sisters, sometimes school problems. When youngsters run away from home they may face a series of potential exploitive situations, which range from sexual exploitation to forced labor to being instrumentalities of crime and which can start the youngster on a life of crime. Runaway and homeless children range in age from the early teens to even younger, and their exploitation is a problem, really, of tremendous significance.

This subcommittee, the Juvenile Justice Subcommittee, has been active in this field in the past in connection with the Office of Juvenile Justice and Delinquency Prevention. Certain legislative initiatives have been forthcoming over the course of the last several years and we will be renewing our efforts today to see if we can gain some additional insights into the problem; some suggestions, perhaps, regarding early detection to spot the potential runaway; to try to bring the forces of families, schools, churches or synagogues to bear; to try to deal with this in some sort of an effective way; and to explore what role the Federal Government can play with seed money and programs, through the Office of Juvenile Justice and Delinquency Prevention for example.

At this time we will move right to the first witness, who is a young man, David. He will be introduced by Mr. John B. Rabun,

Manager of the Exploited Child Unit of the Jefferson County, Ky., Department for Human Services.

David has an especially poignant story to tell us, having had substantial problems of his own. Welcome.

STATEMENT OF JOHN B. RABUN, MANAGER, EXPLOITED CHILD UNIT, JEFFERSON COUNTY, KY., DEPARTMENT OF HUMAN SERVICES

Mr. RABUN. Thank you, Senator. We appreciate being here. I have with me a young man we have worked with for over a year now in Louisville. His name is David. I believe you have before you a waiver form allowing him to be present, signed by himself and his mother, with the juvenile court in Louisville being informed appropriately.

David has just turned 17 years old. He was a victim, as a young child of physical abuse and sexual abuse by his own family and friends of the family at the age of 7. Later he learned he could use sexual acts to survive on the streets. That became an important part of his history.

Senator SPECTER. Mr. Rabun, could you give us a little bit of background as to the form of sexual abuse David was subjected to at the age of 7?

Mr. RABUN. Yes; it was adult male friends of the family who—can I mention the actual sex acts, Senator?

Senator SPECTER. I think we can deal with the problem only if we understand it, and to the extent you can be subtle and diplomatic, fine. But we have to communicate.

Mr. RABUN. Surely. The sex acts involved fondling and oral sex from the adult onto the child. Obviously at that point the child did not understand what was going on nor the severity or seriousness of the acts themselves. The physical abuse has to do more with beatings, being thrown up against walls—that type of thing.

Senator SPECTER. And, Mr. Rabun, over how long a period of time was David subjected to that kind of sexual abuse?

Mr. RABUN. A couple of times, starting at 7 and then maybe 1 year or so later. It would be sporadic incidents arising out of situations, perhaps overzealousness in discipline, that type of thing.

David is not gay. I say that up front because he calls himself a hustler. By definition, a hustler is a boy prostitute. Girls use the term "prostitute;" boys use the term "hustler." Most boy hustlers are not gay. David is not.

David is, by his own admission, drug-dependent since the age of 12. He will be able to explain to you a progression in the juvenile justice system in his own life from 7 years old, being a dependent child in front of the juvenile justice system, based upon the physical sexual abuse as a child to an 11- to 12-year-old age where he became a status offender, a runaway, ungovernable behavior, and then, at the age of 14 or 15, got into the juvenile delinquency area of the juvenile justice system, being involved in drug usage and drug pushing, burglary, some minor forms of robbery, prostitution, and carrying concealed deadly weapons for the purpose of safety.

David has been to an excellent drug treatment program recently and I think because of that and the involvement of the system

trying to support him we have a situation where there has been remarkable progress.

David is no longer using drugs. He is still and always will be drug dependent. He is off the street. He is due to be released by our juvenile courts about Thanksgiving, but I should say, in all honesty, David is unusual to this extent. One, he is drug dependent, an "addict," if you prefer that word, whereas most child prostitutes are only into drug usage.

And, second, David has a very high IQ. He is very articulate. That is not the norm and that creates a secondary problem, because if you are not bright enough or articulate enough to tell the appropriate authorities what is going on, it exacerbates the problem.

And with that background——

Senator SPECTER. Thank you, Mr. Rabun. We will make a part of the record a document you have presented to the committee dated November 3, which is signed by David and signed by his mother and witnessed by you, so that you are representing to the committee that you obtained the signatures of David and his mother, explaining to them what the circumstances were, and that to the extent possible the details of David's identity, such as his last name, would be maintained on a confidential basis to the extent the committee can.

This is not something we can guarantee or control in any absolute terms, but we have made every effort by informing the media of the nature of the problem to secure cooperation. I want David to understand that to the maximum extent possible the committee will maintain his identity in confidence.

There is a line in this document which recites that in no case will information given by David be used for prosecution purposes. The document shows that it has been given to the judge and to the public defender. The issue of immunity from prosecution is an inordinately complicated one and for binding effect only a judge in an immunity proceeding can give immunity. So I want the record to show that to the extent possible, with all parties having been notified, we are endeavoring to accomplish that purpose. But in the interest of fairness, it should be understood that absolute guarantees are not possible on that, as on the question of anonymity, which we will all work on as best we can, realizing a very important public policy to be served by having this information brought to the attention of the subcommittee and the committee with a view to seeking some sort of corrective action to prevent the recurrence of such problems for others who are youngsters like young David.

[Document referred to follows:]

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November 3, 1981

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John B. Rabun, Manager
Margarete Sanders
Ellen Hammock
POLICE MEMBERS
Det. Bob Hein, LDP
Det. Gary Smith, JCPD
Det. Rick Dillman, LDP

I, David (W/M/10-26-64) having been informed by Mr. John B. Rabun, Manager of the DHS Exploited Child Unit and Mr. David J. Riffe, Manager of DHS Residential Services on this date that I am invited to testify before the Subcommittee on Juvenile Justice, Committee on the Judiciary, United States Senate, on November 5, 1981; and that I will be traveling with (and in the custody of) Mr. Rabun and Mr. Ronald J. Pregliasco from Louisville, Ky., on Wed. afternoon to return from Washington, D.C., on Thursday afternoon; and that I will be spending the night of Wed., Nov. 4, 1981, with Mr. Rabun and Mr. Pregliasco at a Quality Court Hotel in Washington, D.C., in separate/adjoining rooms; and that the Senate Subcommittee Chairman (Senator Arlen Specter) has guaranteed my anonymity/confidentiality as a juvenile (both by name and by picture exclusions); agree to go and testify before the Senate Subcommittee for the purposes of explaining the "kid-point-of-view" of an exploited child and needed protections for youth who are or have been so involved. IN NO CASE WILL INFORMATION GIVEN BY ME BE USED FOR PROSECUTIONAL PURPOSES ON ME.

Signed: David Date: 11-3-81
David

Witnesses: David J. Riffe, John B. Rabun
David J. Riffe John B. Rabun

Parent's Permission: _____
(Mother)

c.c.: Judge Farber
Public Defender Button
Joseph P. Tolan
Senate Subcommittee Staff

All right, David, we welcome you here. We appreciate your willingness to share with this committee some of the problems which have befallen you in an effort to try to better understand the nature of the problem and to prevent its recurrence for other young people.

Let me start off by asking you your age.

STATEMENT OF DAVID

DAVID. I am 17.

Senator SPECTER. And where do you live?

DAVID. In Louisville, Ky.

Senator SPECTER. And are you currently under the jurisdiction of the juvenile authorities in Louisville?

DAVID. Yes, I am in a group home. I am a ward of the county.

Senator SPECTER. A ward of the county?

DAVID. Yes.

Senator SPECTER. How long have you been a ward of the county?

DAVID. Since last December, and then I got released in June; no, in May, and then I got put back in in July again.

Senator SPECTER. You have been a ward of the county since December 1980, released in May, put back in as a ward in June, and you have a current expectation of being released, again, shortly?

DAVID. Yes, sir, around Thanksgiving.

Senator SPECTER. Before going into the background and history of your situation, starting at the age of 7, Mr. Rabun has testified that you are drug dependent. Would you specify just what that means in terms of your own usage of drugs?

DAVID. To me it means when I start getting high on any kinds of drugs—alcohol, drugs, or anything—I have to have it and I have to have it to keep going. I have to have it to survive and feel good about myself. I have to make it a part of my daily life. It helps me get through the day.

When I am using, that's the way it is. And I have consequences from that use ranging from, well, even since I have been getting locked up it's had to do with my usage.

Senator SPECTER. David, what was your first introduction to the use of drugs?

DAVID. When I ran away, the first time I ever ran away.

Senator SPECTER. And when was that, that you first ran away?

DAVID. I was 12 years old. And the guy I was staying with, who was a good friend of mine had a party and I went to a party and I was introduced to alcohol and then marihuana.

Senator SPECTER. At the age of 12?

DAVID. Yes, sir.

Senator SPECTER. Marihuana at the age of 12?

DAVID. Yes, sir.

Senator SPECTER. Any other drugs?

DAVID. Just alcohol and I did some speed, but that was about it. That was a little later when I was 12.

Senator SPECTER. You were exposed to speed also at the age of 12?

DAVID. Yes, sir.

Senator SPECTER. What caused you to run away from home at the age of 12, David?

DAVID. My mom found out I was smoking cigarettes and my mom and dad had just gotten separated and I was afraid she would tell my dad and my dad used to come down pretty hard on me, punishmentwise, so I got scared and left.

Senator SPECTER. And where did you go?

DAVID. I went to a friend of mine's house, about 20 miles away, and stayed there.

Senator SPECTER. And what happened then?

DAVID. I got homesick the next day and ended up going back home. And my mom patted me on the back and forgave me and that was about it then.

Senator SPECTER. What was your next experience as a runaway, if any?

DAVID. I got caught stealing cigarettes a few weeks after that and I was again afraid my dad would do something, so I left again.

Senator SPECTER. How long did you stay away on that occasion?

DAVID. My dad caught me the next night again, and I ended up going back home then. And then—let me think—about 6 weeks after that, about 2 months after that, I got busted at school dealing drugs, dealing marihuana. This was, I guess, just as I turned 13. And I took off then and I was gone for about 4 or 5 weeks, I guess.

Senator SPECTER. And where did you go?

DAVID. I went back out to the same friend's house where I had stayed in the first place.

Senator SPECTER. Did your parents know where you were on that occasion?

DAVID. No; they had no idea. They had a city detective or something looking for me and finally I ran out of places to stay. He couldn't put me up any longer, so I called them and made a deal that if I didn't have to go to court and I could get back in school I would go back home. We got it arranged and I went back home.

Senator SPECTER. Who did you call, David?

DAVID. I can't think of the man's name. He was——

Senator SPECTER. A juvenile authority?

DAVID. Yes.

Senator SPECTER. And you were 12 years old at the time?

DAVID. I had just turned 13 then. It was around my birthday.

Senator SPECTER. And you made a deal for yourself that you'd go home if you wouldn't be prosecuted?

DAVID. Right. I was scared. I didn't know what would happen to me about being busted at school because I took off before I found out.

Senator SPECTER. What were you busted at school for?

DAVID. I was dealing marihuana.

Senator SPECTER. Excuse me?

DAVID. I was dealing marihuana.

Senator SPECTER. Selling?

DAVID. Yes.

Senator SPECTER. Where did you buy it to have the marihuana to sell?

DAVID. It was the middle school I was going to. I could just go up to the high school and get a bag somewhere along the line. There were a lot of people up there who were dealing. It was not hard to come by.

Senator SPECTER. You bought marihuana from high school students?

DAVID. Yes.

Senator SPECTER. And you sold it to whom?

DAVID. The students. I was in a middle school—sixth, seventh, and eighth grade—and I sold it to the students in my classes, you know, friends of mine around school.

Senator SPECTER. And what was the market for marihuana among sixth, seventh, and eighth graders?

DAVID. $1 a joint.

Senator SPECTER. Excuse me?

DAVID. $1 a joint.

Senator SPECTER. How much profit was there for you selling it at $1 a joint?

DAVID. If I got a bag like what I got I could probably make $15 or $20 profit if I sold it all. If I just rolled it all up I could probably get like 55 or 60 joints out of it, and the bag only cost $35, so whatever I had over that was profit.

Senator SPECTER. The bag cost $35 and you could sell 65 $1 cigarettes of marihuana from that bag?

DAVID. Yes.

Senator SPECTER. And what were the ages of the youngsters whom you were selling the marihuana to?

DAVID. Around my own age, 12, 13, 14 years old.

Senator SPECTER. And you were caught doing that by the school authorities?

DAVID. Yes, sir, I was caught by the security guard.

Senator SPECTER. And that is when you ran away again.

DAVID. Right. He was taking me down to the office and I just took off out the door.

Senator SPECTER. You took off while he was in the process of taking you to the office?

DAVID. Right.

Senator SPECTER. And he couldn't catch you?

DAVID. No.

Senator SPECTER. And then you went to your friend's house again?

DAVID. Right.

Senator SPECTER. And how old was this friend of yours?

DAVID. He was about 6 months older than me, 7 months older than me. He was around my own age.

Senator SPECTER. Was he living by himself or with others?

DAVID. He was living with his folks and they really didn't know what I was doing because they have a really big house and he could just stash me somewhere around the house where they wouldn't find me for the night and I would leave during the daytime.

Senator SPECTER. So you are saying your friend's parents actually did not know you were living there?

DAVID. No; they didn't.

Senator SPECTER. How long were you gone from your own home on that occasion?

DAVID. About 6 or 8 weeks, I guess.

Senator SPECTER. What happened next to you?

DAVID. Sir?

Senator SPECTER. What happened next?

DAVID. I went back home after all of that was over again, and I got back in school. Well, let me think. We ended up moving again and I took off again to go see my uncle, who lived about 400 miles away, because I just wanted to see him. He used to be like an idol to me. I wanted to be a lot like him.

I took a bus up there and then he sent me back and then a day later I took off again and I thumbed out to California with a girl I had met down at a place for runaways in Louisville.

Senator SPECTER. You were 13 at the time?

DAVID. Yeah.

Senator SPECTER. How old was the girl?

DAVID. Sixteen, fifteen.

Senator SPECTER. Was she a runaway as well?

DAVID. She was getting ready to; yes. No; she was in a shelter house for runaways. She was getting ready to be put in a foster home. Her mom had just died. Her dad lived up in California and there was no way she could get up there to live with him because she hadn't been up there in such a long time, or that's what she told me.

Senator SPECTER. So she left the foster home?

DAVID. Yeah. We left the foster home that night.

Senator SPECTER. Were you in the foster home with her?

DAVID. No; it's not really a foster home. What it is is a place where runaways from off the streets can come into to stay, plus they have alternatives to detention places that the courts place there. And since she was placed there like ATD and I just walked in off the street.

Senator SPECTER. She was placed there by ATD?

DAVID. ATD, right. She was placed there by the authorities.

Senator SPECTER. What do you mean by that?

DAVID. That means if she messes up or gets in a lot of trouble they can throw her back in the detention center for juveniles. But she was waiting for placement in a foster home while she was there.

Senator SPECTER. And she ran away from that place?

DAVID. Right.

Senator SPECTER. And you went with her?

DAVID. Yes, sir.

Senator SPECTER. Where did the two of you go?

DAVID. A little town called Verney, Calif., about 40 miles out of Los Angeles.

Senator SPECTER. And what did you do there?

DAVID. She stayed up there. I got locked up. I ended up getting locked up about 4 days after I was up there and being sent back down here.

Senator SPECTER. What were you locked up for?

DAVID. We had gotten in an argument and I was throwing a bad fit out in the middle of the street.

Senator SPECTER. When you say we got into an argument, who do you mean?

DAVID. Me and the girl I thumbed up there with. And I was throwing kind of a temper tantrum out in the street and someone called the cops. They came back and got me and I came to find out I could have stayed if I wanted, but in a way I wanted to go home. So they went ahead and sent me back home.

Senator SPECTER. Sent you back home?

DAVID. Yes, sir.

Senator SPECTER. And what did your parents say when you returned home?

DAVID. There was a warrant out for me on uncontrollability at the time, so right when I got off the bus I got taken downtown to the police station. But since I had turned myself in, basically, and came back all the way on my own, they let me go back to my mom again and she really didn't say that much about it. It was just another thing that had happened. She had gotten used to things like that happening.

Senator SPECTER. She had gotten used to things like that happening?

DAVID. She had given up on me at that point, kind of, yeah.

Senator SPECTER. You mean your mother?

DAVID. Yes, sir.

Senator SPECTER. What did she say to you?

DAVID. It's been awhile. Let me see. She asked me why I did it. I don't know. My mom was a real psychological type. She'll get into the whys of everything or something. And she just asked me why.

Senator SPECTER. She was going to help you, trying to understand you?

DAVID. Yeah, do the best she could. She was trying to.

Senator SPECTER. What did you say to her?

DAVID. I just told her what had happened, why I did it, where I went, just basically what had happened.

Senator SPECTER. What did you say to her as why you did it?

DAVID. Because, I told her, this girl wanted to find her father up in California and she was afraid to go by herself, so I took her up there, and that's the reason I went.

Senator SPECTER. You went there to take the girl?

DAVID. Right.

Senator SPECTER. What kind of a relationship, if any, did you have with this 16-year-old girl?

DAVID. I thought I was madly in love with her.

Senator SPECTER. Were you?

DAVID. No; I guess it was more infatuation than anything.

Senator SPECTER. Have you seen her since?

DAVID. No; I haven't seen her, talked to her, or anything since then.

Senator SPECTER. When you returned home what did your father say to you, if anything?

DAVID. I think he just took a belt to me or something.

Senator SPECTER. You made a number of references to punishment that your father had inflicted upon you and you said earlier that one of the reasons you ran away initially was because you were fearful of punishment by your father.

DAVID. Yes, sir.

Senator SPECTER. Could you tell us what that was all about?

DAVID. When they were still together—my dad is an alcoholic, and when they were still together he was drinking a whole lot. Him and my mom would get in arguments or him and me would get in an argument and he would just, you know, he might pick me up and throw me a few feet or might——

Senator SPECTER. He might pick you up and throw you a few feet?

DAVID. Well, you know, just like that [indicating]. You know, kind of [indicating].

Senator SPECTER. How old were you when that first occurred?

DAVID. I was 11 when that first occurred, I think. Yes; this was right before they got separated. And he was a big man and I was just really scared he would hurt me one of these days. So I tried to stay away from him as much as possible.

Senator SPECTER. David, there's been a reference made by Mr. Rabun to some experiences you had at the age of 7 and I do not wish to go into those because I can understand that they are problems for you. But without going into any of that, to what extent did that have an influence on your later problems, if it had any influence at all?

DAVID. It really didn't have all that much of an influence on my life. It was something that happened when I was real young and I didn't know what was going on. There was a lot of resentfulness in it that carried through onto what happened in my later years.

Senator SPECTER. You were resentful that that sort of thing had happened to you?

DAVID. After I got older and realized what had happened and what was going on I was real resentful.

Senator SPECTER. Were your parents a party to that in any way?

DAVID. No; they don't know about it up to this day.

Senator SPECTER. It just happened with some older people and it was an unfortunate experience, but it had nothing to do with your parental guidance or your parental consent?

DAVID. No; they had nothing to do with it whatsoever. It was a babysitter, as a matter of fact, and it was just something that had happened. I don't understand why, but it happened.

Senator SPECTER. Well, that is a hard matter and one of the items of concern would be its later impact. You say there was a spirit of resentfulness on your part. What do you mean by that?

DAVID. I was resentful that someone had taken advantage of me like that and done to me what he did and had me do to him what I did. I'm not like that. I'm not the type of person that gets into things like that and I was really resentful that someone who knew what was going on and knew what they were doing would still go ahead with a little boy and do something like that, especially me. I'm not anybody special, but, you know, it's me.

Senator SPECTER. Do you think that experience has lingered with you to this moment in causing some of your current problems?

DAVID. Not really problems that show but a lot of problems with myself. It bothers me, you know, like personal problems that I deal with within myself.

Senator SPECTER. Such as what, David?

DAVID. Such as resentfulness toward people, my role, you know, my sexual role.

Senator SPECTER. What do you mean by your sexual role?

DAVID. Well, OK, I'm straight. I'm not gay, but with things like that happening and then things that I did in the hustling, it just put something in my mind like well, am I sure I am straight or I'm not sure. And it messes with my mind a whole lot because it conflicts one to the other and then I get mad at myself for this and then I get mad at myself for thinking this, you know, for not knowing and it messes me up sometime mentally--not to a point of mentally.

Senator SPECTER. Not to a point of what?

DAVID. Not to a point of really showing any outward signs of it, but inside it messes me up a whole lot.

Senator SPECTER. When you talked a minute ago about your role as a hustler what did you mean by that?

DAVID. You mean my role as a hustler? I just mean a lot of times I thought, a lot of people downtown told me well, even if you are a hustler you wouldn't hustle unless you had something in you that attracted you to men or some part that would let you do that because if you were totally straight and not gay at all you wouldn't be down here.

And they planted a seed in my mind like am I really OK or is there something wrong with me. And they get me thinking well, I am down here so where am I at with myself.

Senator SPECTER. David, how would you define what a hustler means?

DAVID. A hustler is a male, a young man who goes out on the streets and sells his body to, most of the times, I would say 9 out of 10 times, older men or men for profit. That's all a hustler is.

Senator SPECTER. And you do that?

DAVID. Yes, sir.

Senator SPECTER. How did you get started doing that?

DAVID. I was in a placement. Well, I had gone to a placement shelter house, a place for runaways I had mentioned earlier, and I was living down there. My mom knew about it. I was trying to get myself straightened out and I was coming in—well, I wasn't putting a whole lot of effort into getting myself straightened out. I was coming in drunk about every day. I would say I was going jobhunting, but I would come back drunk.

I raised a whole bunch of trouble with a bunch of people in there, you know, starting arguments with people. Well, you know how a drunk acts. And they finally booted me out of there and I had nowhere to go at the time. So I just walked over to a park a few blocks away which I later found out was right on the hustling strip in Louisville.

And I was sitting there and a counselor from the shelter house I just left was sitting there. We started talking. He went and bought some beer. We kept on talking. I really looked up to him and he was telling me how he had hustled and made some really good money.

Senator SPECTER. How old was he?

DAVID. He was in his late 20's or early 30's, I'm not sure exactly.

Senator SPECTER. When you talked about making some really good money from hustling, what are you talking about by "really good money"?

DAVID. Really good money is probably like $40 or $50 a trick, but that's really good money. He was talking $50 or $60 a trick, but at the time I didn't know whether it was a lie or straight or what.

Senator SPECTER. Have you made that much money for a trick?

DAVID. I've never made that much money from one.

Senator SPECTER. What's the most money you've made from a trick, as you put it?

DAVID. About $45.

Senator SPECTER. And how many tricks can you turn in a night?

DAVID. If it's a good night, two or three, if I'm up to it.

Senator SPECTER. How old were you when you started this hustling?

DAVID. Fifteen.

Senator SPECTER. When you say 9 times out of 10 it involved selling your body to some older man, what is the other time out of 10?

DAVID. Well, there's a small percentage of couples who go out to pick up hustlers. You know, a male and female, or maybe a woman will go out and pick up a hustler once in a while, but I would say most of them are men going out picking up hustlers.

Senator SPECTER. But you have been involved in situations where a couple would pick you up as a hustler?

DAVID. I got propositioned once but I never went out with them. That only happened that one time and besides that it's always been men.

Senator SPECTER. Always been what?

DAVID. Men, always been men.

Senator SPECTER. What do you believe was the key factor, if you can identify it, in getting you started initially on drugs and alcohol, which later led to this hustling?

DAVID. Could you run that by me again?

Senator SPECTER. Yes. Going back into the earliest days of the origin of the problem, what got you started on alcohol and drugs, which led you into hustling?

DAVID. I got myself started—well, the friend I mentioned earlier got me started by showing me where it was at. But I got myself started. And I kept into it because it made my happy, it made me feel good about myself. It made me feel like I was somebody and I fit in with somebody.

Senator SPECTER. If you were to give some advice to another young man who was 12 years old, a young boy who was 12 years old, on how to avoid the terrible things that have happened to you, what would you say to him?

DAVID. Stay home and stay a boy for as long as you can. Do not grow up too quick. Do not try to.

Senator SPECTER. Do not grow up too quick and do not try to.

Do you have brothers and sisters?

DAVID. I have two younger brothers.

Senator SPECTER. How old are they?

DAVID. One is 13 and one is 9.

Senator SPECTER. Do they have any problems similar to the one you described?

DAVID. No, neither of them are into drugs or anything like that right now.

Senator SPECTER. Are your parents still separated?

DAVID. Yes, sir. They both live with my mom.

Senator SPECTER. Do you counsel your brothers or talk to them about your own problems and ways that they can avoid such problems?

DAVID. I have sat down and talked to Jeffrey, the 13-year-old. I have sat down and talked to him before about how—see, he does not know that much about my hustling days. But he has tried getting high a couple of times and I have sat down and talked to him about—if he is going to be getting into it deep—what he should watch out for; and if he is going to choose the decision to keep on using, once he gets into it what lays ahead of him.

I talk to him the best I can. I relate my own experiences to him the best I can.

Senator SPECTER. Do you think your hustling days are over?

DAVID. Yes, sir.

Senator SPECTER. Why do you say it so confidently?

DAVID. When I was in Minnesota, one thing they really teach you there or give you a chance to learn up there is a chance to learn about yourself. And I learned when I was up there that I can be somebody if I work on it, if I want to be somebody.

I was tired of being trash and nobody and feeling like nothing, and I wanted to feel good on my own. I wanted to be me and find out who I was and build on myself, and that is what I have been doing ever since.

Senator SPECTER. What experience did you have in Minnesota that led you to those conclusions?

DAVID. In Minnesota the treatment program, all it is is ways to learn to live without the drugs and to learn about yourself and to build on yourself. And I looked into it deeply enough to where I was finding out things I was going to have to do to straighten myself out and feel better about myself.

And the only thing that hustling was doing was dragging me back down and making me feel like nobody, like a nothing. So I had to get out of that and stay out of it if I wanted to feel good about myself.

Senator SPECTER. Who ran the treatment program in Minnesota?

DAVID. It is a hospital program, Lutheran Deacon. I am not sure who runs the whole thing. I just know you have, you know, your counselors, your drug counselors and the people up there to talk to, and the support you need and a whole lot of teenagers trying to get themselves straightened out.

Senator SPECTER. What was your first contact with the juvenile court?

DAVID. I had run away from home and I was staying over at this girl's house, and someone had found out and called the cops to come get me.

Senator SPECTER. Which girl was that?

DAVID. This was a different one, one who lived around about 4 or 5 miles from where I live. She was just a really good friend of mine.

And they came to get me and they were just going to take me home, and I took off because I did not want to go home. And I got about two blocks away, they caught me and they pressed a whole bunch of charges on me, which got me thrown into the center and then into the juvenile system.

Senator SPECTER. What happened to you on your first contact with the juvenile court system? Was it a good experience, a bad experience? How did you feel about it?

DAVID. I was scared at first. But then I found out I was just going to get a pat on the back and sent home again. That is all that happened for a long time.

Senator SPECTER. If the juvenile court had been tougher on you at that time, do you think it might have discouraged you from later violations of the law?

DAVID. I think if the juvenile court had looked more into my life, more into how I am, then they might have been able to find better ways to help me with my problems besides sticking me back into the same thing and letting it all happen again.

Senator SPECTER. What do you think the juvenile court system should have done for you?

DAVID. I think they should have looked more into my life and found out what would have been the right program, what would have been right to help me at the time, instead of sending me back out to do it all over again.

Senator SPECTER. When you say sending you back out, what do you mean, sending you back to your home?

DAVID. Sending me back home again.

Senator SPECTER. Sending you back to the same environment?

DAVID. Yes.

Senator SPECTER. Do you have any idea, David, what they might have done differently to have stopped you from this cycle of drugs and hustling?

DAVID. Let me think.

They could have just been—they did not even worry about what I thought I needed. They just worried about what to do with me, where to stick me out of the way. If they had just taken more time. I think they need to take more time on each individual case.

And I do not know of any kind of placement the courts have right now that could have helped me at the time or really could help me a whole lot right now. So I cannot really say what could have helped me at the time. I just know I think they should have spent more time on me, on finding out what I really needed, than just sticking me somewhere.

Senator SPECTER. How many institutions have you been in altogether, David?

DAVID. Including homes?

Senator SPECTER. Yes.

[Pause.]

DAVID. Probably about 9 or 10, somewhere around there.

Senator SPECTER. What was the best one?

DAVID. The treatment program in Minnesota. That is the best program I have ever seen in my life.

Senator SPECTER. How long were you there?

DAVID. It is a 6-week program. I was up there for the 6 weeks. I decided I wanted to stay on and to stay up there for a 6-week aftercare program, which is just to kind of help get you back into society again, out of the hospital life.

I was going to stay up there for 6 to 9 more months in a halfway house for drug addicts, but the financial situation got messed up and I came back. And I was up there a total of about 3 months.

Senator SPECTER. And what was the worst institution you were in?

DAVID. The worst institution?

Senator SPECTER. Yes.

DAVID. Our Lady of Peace. It is a mental hospital in Louisville where they send a lot of people who have drug problems or mental problems or just typical problems. And all they did—I was there for 3 months, too, and all they did in there was give you more drugs to keep you calmed down from anything else. They would just keep you so doped up you cannot accomplish anything while you are in there.

Senator SPECTER. Would you have any suggestions for other youngsters in your age group, David, as to their relationship with their parents to avoid the kinds of problems you have had?

DAVID. Try listening every once in a while. You know, most teenagers are real hardheaded and they will do what they want whether their parents tell them to or not. And they have to find out the hard way.

It just seems if they would try listening and taking in a little bit of advice, then they might get somewhere, because the parents are usually right.

Senator SPECTER. Parents are usually right?

DAVID. Yeah, surprisingly enough. [Laughter.]

Senator SPECTER. Would you have any suggestions for young people with respect to how they approach schooling, to profit from the mistakes you have made?

DAVID. Stay in school.

Senator SPECTER. Are you going back to school?

DAVID. Well, I spent 3 years in the ninth grade and I had maybe a half a credit to my name. So I dropped out. I got my GED last January and I am attending a community college in Louisville now.

I really wish I had stayed in and gotten my fullest out of the education system that I could have, because it seems the way things are going nowadays you will really need an education to get somewhere.

Senator SPECTER. Do you have any other suggestions for young people to try to avoid the kinds of problems you faced in your life?

DAVID. There are people out there who are willing to listen if you need someone to talk to. A lot of people do not understand, but then a lot of people do. And if you look hard enough and you want help badly enough, you can always find it somewhere along the line, friends, family—family most of all, I would say. But there is always somebody out there.

Senator SPECTER. Mr. Raibun, what suggestions would you care to offer the committee, if any, based upon your knowledge of David's situation?

Mr. RABUN. Well, David's situation is typical to the extent that he is involved in the juvenile justice system, a system that progressed from a dependency status to a runaway status to a delinquency status, a vicious cycle where what you do feeds into the next act, which feeds into the next act.

And unless there is some intervention by people who care and I suspect at that point at least are trained to know what to do and how to do it, a child like David could wind up either in the system, whether it be the juvenile or the adult criminal system, for the rest of their life, which is expensive to say the least.

One of the things that disturbs me about David's situation is an apparent ease with which people who work in auxiliary positions in the juvenile justice system are thereby enabled to prey on kids. It seems from my view that David had significant contact with people who were acting as agents of the court, albeit maybe third party agents, who really used their position in a way to endanger the welfare of the minor.

Senator SPECTER. How do they do that?

Mr. RABUN. Well, he spoke to you about the staff member from one of the shelter house facilities who bought beer for him in a park and introduced him to this easy way to make money, and in effect promoted David's involvement in prostitution. He did not profit from it, so there would not be a legal charge in the promoting sense.

Senator SPECTER. Why do you think he did that?

Mr. RABUN. Probably because it was a way of life for him.

Senator SPECTER. Why then was he placed in an authoritative position by the system?

Mr. RABUN. Well, I do not think the system deliberately in any way placed David or any other child in a situation that would knowingly exploit him. But the point I am trying to make is, we have no enabling legislation, nor very few enabling procedures, that require any sort of screening on people who work with children, who are the most vulnerable in the entire system. And instead, in a rather cavalier fashion we can go about hiring people and placing them in very sensitive positions because they say they like kids.

The whole definition of pedophilia is attraction to kids. That should not be the definition for hiring people to work in children's programs.

I trust those are exceptions to the rule and not the rule. Nonetheless, I do believe as a system we are negligent in a careful screening and a careful understanding of the nature of pedophilia. These adults who prey on children sexually, whether they are boys or girls, we cannot even recognize them when they are in our own programs.

David recognized them after the fact and in effect it was too late. It is sort of the what-if proposition.

Senator SPECTER. Thank you very much, David. And thank you very much, Mr. Rabun. We will be recalling you in a minute or two.

We very much appreciate your being here, David, for coming forward and sharing your experiences in the hope that others who are

young men like you may be able to profit from the mistakes and experiences you have had.

DAVID. I was glad to do it.

Senator SPECTER. Thank you.

I would like to call at this time Mr. Terry Sullivan, former prosecutor for the State of Illinois. Welcome, Mr. Sullivan. Would you state your full name and address for the record, please.

STATEMENT OF TERRY SULLIVAN, FORMER PROSECUTOR FOR THE STATE OF ILLINOIS

Mr. SULLIVAN. My name is Terry Sullivan, from Chicago, Ill.

Senator SPECTER. And what are your current activities, Mr. Sullivan?

Mr. SULLIVAN. I am presently in private practice, after having spent 12 years with the State attorney's office in Cook County.

Senator SPECTER. And in connection with your work as a prosecuting attorney, were you involved in the prosecution of John Gacy?

Mr. SULLIVAN. I was, Senator.

Senator SPECTER. What role did you play?

Mr. SULLIVAN. In the prosecution of John Gacy, I played the role of an investigator in preparing for trial and in the actual prosecution of the case. I was involved in the direction of the investigation prior to the arrest of Mr. Gacy and his being charged with the murders of 33 young boys.

Senator SPECTER. Would you tell us what the case involved? Refresh our recollection and state for the record what was involved in that prosecution.

Mr. SULLIVAN. Well, what was involved was the fact that some 29 young boys' bodies were eventually discovered underneath the house and in the crawl space of John Gacy, and we later recovered four additional bodies attributed to him in a river some 60 miles south, southwest of the city of Chicago.

Senator SPECTER. So how many youngsters were involved altogether with Mr. Gacy?

Mr. SULLIVAN. A total of 33 dead boys were involved. Of course, the investigation led us to many others young men he was involved with, and the investigation spanned anywhere from Chicago through Waterloo, Iowa, through various southern points in the Midwest, through Kansas, and finally all the way to Los Angeles.

Senator SPECTER. What was the total number of youngsters found to have been involved with Gacy?

Mr. SULLIVAN. Well, Senator, we will never know that exact number. The number we were able to find within that period of about 1 year or 1½ years of investigation totaled somewhere between 50 and 100.

Senator SPECTER. And what was the conclusion of the prosecution against Gacy?

Mr. SULLIVAN. Mr. Gacy was found guilty of all 33 murders approximately a year ago and the jury recommended the death penalty. And the Judge, Louis Garippo, sentenced him to death and he is presently awaiting that sentence in the Illinois State Penitentiary.

Senator SPECTER. Is the case on appeal at the present time?

Mr. SULLIVAN. It is, sir.

Senator SPECTER. And what court is it in?

Mr. SULLIVAN. In Illinois it is a direct appeal to the Illinois Supreme Court on a death sentence.

Senator SPECTER. What were the circumstances, in a general way, leading to the deaths of these 33 young men?

Mr. SULLIVAN. As I have sat here behind David listening to him, I could see that—or certainly hear that there were many, many similarities between the people we ran into, especially the living victims we encountered—by living victims, I am talking about those who had had some association with him and by sheer luck or the grace of God did in fact live.

I find many similarities between the lifestyle David was into and the people we came across. For, as an example, in actually going through the investigation I myself had firsthand experiences of dealing in areas of the city of Chicago and in Hollywood, Calif., and in some other places where these young runaways would in fact end up in their daily lives.

There would be certain sections of the big city where these people would congregate, where, if they fall into the world of hustling as David did, it would be very easy for them to run into someone like a John Gacy, who in fact would go to these areas seeking young boys like that.

Senator SPECTER. How many, if any, of the 33 involved with John Gacy were runaways?

Mr. SULLIVAN. Senator, that is really hard to tell. I would hasten to add that certainly not all of them were runaways.

Senator SPECTER. Some?

Mr. SULLIVAN. Some were not runaways, sir.

Senator SPECTER. Were any runaways?

Mr. SULLIVAN. Oh, yes. Oh, yes.

They did not just come from the Chicago area. They came from Michigan and——

Senator SPECTER. Mr. Sullivan, as best you can piece it together from the evidence you have, give us a typical scenario of what happened with any one of the victims of John Gacy, from the point of leaving home, contact with Gacy to the extent you know it, exploitation if any.

Mr. SULLIVAN. I would say first of all that would be fairly easy to do, piecing together from the experiences we recovered from actually being on the streets and talking to people who knew those who ended up being killed.

I must again add, we still have some seven or eight victims who are unidentified to this day, which I think brings more into focus the real problems of the runaways, especially in identification and cooperation with law enforcement.

But when you are talking about the typical scenario, usually the individuals, the youths who would have left the homes, left them because of the fact that they did not get along with their parents or they were beaten or their parents abandoned them or their parents were alcoholics. Whatever it was that drove them from their homes as victims, they ended up drifting to a place where they thought they could exist and get away from their homelife.

If in fact they ended up in Chicago, they would then congregate in a place where most of these people would be.

Senator SPECTER. What was the age span of those who ran away from home?

Mr. SULLIVAN. The age span from the ones that were identified was as low as 12 or 13.

Senator SPECTER. Going to how old?

Mr. SULLIVAN. Most of them were in their midteens. They went as high as 23.

Senator SPECTER. And those who were runaways had had arguments or disagreements with their parents?

Mr. SULLIVAN. Sure, something that caused them to leave the home to seek something better on the outside world. And what happened to most of these people, as I think happens to those who are living out there rightnow, is they crossed that very thin line going from a victim into what we consider a criminal.

When they are tossed out on the streets and forced to get some means of survival, they oftentimes will end up doing exactly what David did and get into the world of hustling. That pure survival, because they have nowhere else to go, is what pushes them across the line from victims into criminals.

The individuals out hustling fall into male prostitution. Many fall into child pornography, which is flourishing to great extremes today. And then all of a sudden we call them criminals because of the fact that they have crossed what I have called that thin line.

Unfortunately—unfortunately, especially in the Gacy case, we have those who were his victims, who did in fact run away who were victims, and then got into the hustling area where we would call them criminals. Unfortunately, they ended up covered by some foot or foot and a half of dirt in Gacy's crawlspace, and they went from victim to criminal back to victim.

Senator SPECTER. What experience have you had with any of these runaways turning to violent crime, robbery, burglary?

Mr. SULLIVAN. In this specific case, we did not. We were not able to—certainly, the people he preyed upon did not have the chance to go into something different. But certainly from your experience and from mine in 12 years of prosecuting other cases, and from being on the streets during this investigation, we were able to see that certainly the progression is there.

If we start out with a young criminal, the chances are very good he will become an old criminal.

Senator SPECTER. And into violent crime?

Mr. SULLIVAN. Certainly into violent crime. The tendency is certainly there, if someone determines he needs more money. We see it, as an example, of course, as an individual—whether he is a runaway, an abused or mistreated child—and he then gets into the criminal area just starting out and hustling, say, then he decides he needs more money, or he is drifting into the drug scene or he is now involved in the illicit dealing of drugs.

Many times they will, unfortunately, arm themselves with weapons, and while they are high, as a typical example, nowadays they will go out and rob convenience food stores or something like that, not knowing how dangerous the gun is and certainly not having had any experience. That is how we end up with a lot of juvenile

murders, because they go in and panic and unfortunately kill someone.

Senator SPECTER. Mr. Sullivan, based on your experience what ought the juvenile justice system be doing about the problem of the runaway?

Mr. SULLIVAN. Well, Senator, I personally feel—and I think that it is backed up by the people I have spoken with since being invited here, people all of the way from those who run drug centers to Father John Smith who runs a place called Maryville in the Chicago area, which takes in the worst of the boys who are abandoned or go through the court system.

It is a general feeling that the entire juvenile court system, at least in our area, has become totally ineffective. As David said to you prior to my testifying, if someone would have taken some time to decide what was wrong with him, he would not have gotten back into the criminal justice system. And I think that is the real key: To be able to find the cause, as opposed to dealing with the effect.

In the criminal justice system, as an adult, unfortunately in my opinion, we do not deal with what the causes are. I do not think the system is set up that way and it is a myth to tell the people it is set up that way.

The only way we can stop these juveniles from becoming adult criminals is to stop them at the point where they have their first contact with the system. But when you have a situation, as we now have at least in Cook County, where police officers will tell me, and I see it every day, that some kid who get in trouble, they do not want to take them all the way down to the juvenile justice system because they know it is overburdened, they know nothing happens, and they know when they are back on the street dealing with the juvenile, they know they do not have any control over them because he is laughing at them because he has walked out of that system.

Now, that is not to criticize the people in the system, believe me. The fact is, the juvenile justice system is archaic, it is overburdened. We do not have the people to staff it. We do not have the caseworkers to give the type of time to someone like David to say, "OK, this is where we are going to stop you." We do not have the judges who are able to remember a kid when he comes back the second time, because there just are so many of them.

It is not the system's fault. It is just the fact that it is overburdened. It is not the people in the system. There are some very good people in the system.

Senator SPECTER. So what you are saying is you need massive additional resources to deal with the children on an individual basis?

Mr. SULLIVAN. If we are going to go after the crime that you saw during your career as a prosecutor, which I have seen in my past 12 years, if we are going to stop it somewhere, it will not be at the adult level. It has to be at the juvenile level.

Senator SPECTER. What is the critical age in your opinion, Mr. Sullivan, to deal with a juvenile in an effort to take him out of the crime cycle?

Mr. SULLIVAN. I think it is getting younger and younger, as you see, getting into the situation, at least in the inner cities, that those who are really the real violent criminals and the gangs are

in their young teens, where of course they end up getting the weapons and for some reason or another they commit many of the violent crimes.

I think you are talking about as low as 12 years old, somewhere in that general area, somewhere where the system can have an effect on the individual and hopefully get them out of the system before they are in there for life.

Senator SPECTER. What advice would you offer to parents to try to stop their youngsters from becoming runaways and the victims of people like John Gacy?

Mr. SULLIVAN. The victims of John Gacy came from various different backgrounds. Some of the victims were not runaways. Some of them were simply picked up under the ruse that he was a police officer. There was no way to help those children. They were taken and immobilized by him to such an extent that they never had a chance.

To those who are runaways, the advice you can give parents is the same as David said to the kids, to the parents. It is hard to tell a teenager to listen to his parents or try to understand them. But at the same time, I find there is much, much too little attempt by parents to try to understand the children.

If we can bridge that gap somehow, it is good. If in fact——

Senator SPECTER. Well, listening to you now, if you had projected through the microphones you speak on and perhaps the television cameras to parents of teenage children or preteenage children, and from the experience you have had in a very celebrated case like John Gacy's, with all of its overtones—certainly your experience is more extensive than most—if you had a moment to advise parents on the problems of runaways and what they ought to be looking for and doing, how would you put it?

Mr. SULLIVAN. I think that would be very easy. What it takes is discipline. That would be the best advice I can give. I still give that advice when I am talking about people who may be coming in to me now and they have a child that is now in trouble.

The point is, the discipline is completely lacking in the home, and so long as those kids are able to go out and roam the streets they are going to have more opportunity to fall into these pitfalls. So long as there is some sort of discipline in the home where the parents still have control over those children, there is nothing to say that there are not going to be arguments between parents and children. We will not overcome that.

But what we can overcome is the fact that parents, while still having discipline and while still ruling in the home, still attempt to try to understand the children. And so long as that is done, we can see that we can avoid many of the unfortunate, terrible incidents that we had to deal with in a case like this.

And ours may have been a celebrated case, but that is not to say that this is not happening all over the country, maybe in some lesser degree, maybe in a greater degree. But I am quite sure that this is not something we have seen the last of.

Senator SPECTER. What kind of discipline do you recommend?

Mr. SULLIVAN. I recommend the discipline where someone has certain hours where they have to be home, where the parents have some sort of control over the children still as parents. Just like the

court systems, when the children are allowed to just go away and laugh at the court systems as they do, when they are able to do that with their parents, then the parents have lost complete control, and society is left to deal with whatever happens to the children when they end up leaving the house.

Senator SPECTER. The best estimates have placed runaways in excess of 1 million a year, Mr. Sullivan. How would you characterize the problems of runaways, drug addiction and hustling, based upon the experience you have had?

Mr. SULLIVAN. I spent 3 years in charge of the narcotics courts in Chicago, so I saw kids coming in and out. I spent time in the halfway houses where they are trying to be rehabilitated. I have virtually lived with some of the kids who have gone through some of these things.

I had one fellow that I did not know I was prosecuting at the time, and some years later it turned out that he started to run and is now running what I think is the most successful drug program in the city of Chicago. And he told me point blank that he was able to con everybody, he was able to con the people he stole from, he was able to con his parents, he was able to con the policeman, he was able to con the judges, by starting to cry in court and the rest of it, he said when he ran into me.

And I finally decided I was going to prosecute him or put him in some other sort of program where he could get help. He came back years later and told me that is the only reason he is where he is now, because someone stood up to him.

Senator SPECTER. Someone got a little tough with him.

Mr. SULLIVAN. Exactly. Someplace somewhere you have to demand the respect from the kids. That is why I go back to the courts again. Until we give them the resources for them to be able to handle these children on a one-on-one basis, they will not get the respect. I do not see it at this stage.

Senator SPECTER. Thank you, Mr. Sullivan. We very much appreciate your coming here and sharing your experience and knowledge with us. We are much obliged.

Mr. SULLIVAN. Thank you for the invitation.

[The prepared statement of Mr. Sullivan follows:]

PREPARED STATEMENT OF TERRY SULLIVAN

My career as a prosecutor in the Office of the State's Attorney of Cook County, Illinois, has carried me into virtually every aspect of the criminal justice system. In addition to my years as a trial lawyer, I spent a portion of my career as a supervisor of the Narcotics Courts in Chicago. I, also, was supervisor of two suburban districts of Cook County. In such capacity, I came in contact with most every area of crime and many types of criminals. I had the opportunity to originate and develop a Drug Abuse Prevention Program as an alternative to criminal prosecution and, likewise, headed a special investigation and prosecution of child abuse which lead to murder. I have lectured to various police departments, colleges, and district attorneys' associations throughout the country. I am a past chairman of the Drug Abuse Committee of the American Bar Association and have been vice-chairman of various other committess; and presently am a member of the ABA Committee on Rules of Criminal Procedure and Evidence. Last year, I was a member of the prosecution team in the case of People vs. John Wayne Gacy, the largest mass murder case in the history of the United States in which the defendant was convicted of murdering thirty-three young boys. With that, I wish to thank this sub-committee for the invitation to address you today.

The experience that I have been able to attain in a relatively short time has enabled my paths to cross and criss-cross over again with virtually every element of society toward which this Honorable Sub-Committee is directing it's attentions today. Quite obviously, my career has placed me in touch with the workings and ideas of many judges and prosecutors. Likewise, I've worked with thousands of police officers and probation officers, but most importantly, for purposes of these discussions I have had many, many opportunities to deal with both victims and criminals. In weighing all of my experiences, my assessment of the criminal justice

system is that most people expect us to prosecute, defend, judge, institutionalize, protect, and in the end to produce from the criminal a new "man or woman" who has now been transformed into a law-abiding citizen, free from all tendencies toward criminal activity. The real problem with our woefully over-burdened criminal justice system is that it usually receives the criminal after such tendencies have already long taken root. Therefore, the modern day criminal justice system has, in my opinion, had to take the role of protector of the community and, therefore, of necessity deal with the effects of crime. It is, I further believe, a myth perpetrated on our fellow-citizens to allow them to think that this system is prepared to deal with the problem of the causes of crime. I hasten to add that a good juvenile justice system may be the only exception to the general rule.

In reflecting upon the many experiences I have been fortunate enough to have in the criminal justice system, I recall many conversations I have had with many criminals, young and old, male and female, and every ethnic background imaginable. While conceding that my experiences lack any scientific basis, they certainly do contain an error of believability never found in pure facts or figures. I recall many men and women being sentenced to the penitentiary or the county jail after trial, or a plea of guilty. And, in a great majority of those cases, that person would be sentenced without the aid, comfort, or support of his or her parents. It is my distinct conclusion from conversations with those people that had their home environment been different, they wouldn't be going to jail that day. One cannot help but realize, therefore, that whatever brought that individual into the criminal world was caused prior to his entry into the criminal justice system. That system today is nothing more than a stop gap measure; I am firmly convinced that for us to ever begin reducing the tremendous effects of crime in our society today, we must direct our majority of efforts at identifying, preventing, and curing those things that cause people, especially the young, to enter the criminal world.

One thing we know for certain is that the young criminal has a very good chance of becoming an old criminal. That has been born out time and again as I have studied the criminal history sheets of many defendants. Especially in the area of street crime, a common adult criminal more than likely started his career as a

youth. My concern and the challenge to this sub-committee is to identify those causative elements that direct the youth toward crime. Once identified, we can then act in those special areas which hopefully, and I think certainly, will eventually reduce the rampant crime rate.

In my experience I have found that there is unfortunately a very thin line which distinguishes our youthful victims from a young criminals. Many of the criminals i have dealt with have expressed the fact that they left their homes as youths for a variety of reasons. Some were mistreated and beaten, while others were simply abandoned. Still others were sexually abused while some others still sought relief in the outside world from parents who were alcoholics or addicts. At the initial stage these young people are certainly victims, but now alone and naive they must find a means of survival on the streets of our cities. Penniless, they may find no alternative but to steal or rob, with or without a dangerous weapon. Those youths who chose to use a weapon oftentimes panic and unfortunately end up murdering innocent people. Still others will be led into using their bodies for easy money. Child prostitution and child pornography are flourishing for this very reason. And yet other youngsters will be led into the world of drugs in an effort to alleviate their misery. They likewise have a very good chance of becoming involved in the illicit, criminal activities of drug dealing and stand a good chance themselves of becoming addicted for life. Unfortunately, all of these young people stand a very good chance of becoming adult criminals and most of this element could be completely wiped out if we could find the resources and the responsibilities which would keep that youngster from crossing that line from victim into criminal.

My experiences in the investigation preparation for trial and prosecution of John Wayne Gacy for the murders of thirty-three young boys in the Chicago area brought me into personal contact with the under-ground, big city world of runaways (I hasten to add that not all of these victims were, in fact, runaways). I saw first-hand how young boys who for various reasons left their homes had to survive on the streets of a big city. Living day-to-day in different places and with no visible means of support, some of these young men are forced into the world of "hustling." Using the only way they knew to make a few bucks, the streets are a varitable

playground for those like John Gacy. It is unfortunate that a youngster who ran away from home would end up tied and bound and, eventually, under the dirt and lime in Gacy's crawl space. In a very short span of time, some of these young boys had gone from runaways (victims) to juvenile delinquents and, incredibly enough, back to victims again. Those victims are prime examples of the terrible exploitation of our youths who, for one reason or another, end up on the streets of our cities.

The solutions to the problem do not, for the most part, lie in the proposals for more laws. Certainly, I favor stricter laws aimed against the exploiter (pornographer, etc.) of our youths but the main thrust in the direction of solutions must be aimed at the "victim" level. We must establish programs and places for abused and mistreated children so that they have an alternative to living on the streets. Efforts by well-intentioned social agencies are becoming virtually ineffective due to the overwhelming number of cases they must handle. Likewise, our juvenile courts have become so inundated of late that they youths that enter that system become mere statistics. Somewhere, soon, someone must have the initiative to start a pilot project, if only on a smaller scale, where each of the youths are treated as an individual as soon as they come in contact with the system. Probation officers who can adequately counsel the young, judges who can remember the faces of the youngsters, and social agencies with the wherewithall to care for each child must be set up if, in fact, we are ever to attack the increasing problem of crime. There is no doubt in my mind that at the present time we are involved in a losing battle. Someone somewhere sometime must stand up, face the problem, and attack it head-on.

Senator SPECTER. I would like to call at this time Father Bruce Ritter and Mr. Ronald J. Pregliasco and recall Mr. John Rabun for a panel, please.

Father Ritter, thank you very much for joining us today. You are the executive director of Covenant House in New York City. We thank you for being with us. And we would be very pleased to hear your testimony and suggestions on the problem of the runaway.

STATEMENT OF FATHER BRUCE RITTER, FOUNDER AND PRESIDENT, COVENANT HOUSE, NEW YORK CITY

Father RITTER. I am delighted to be able to testify before this committee about the particular work my friends and I do in New York among the sexually exploited youngsters in the city. We operate in Times Square a program called under 21. It is a 24-hour-a-day crisis center where children can come in anytime at all day or night and get help on a no-questions-asked basis—food, clothing, shelter, protection from their pimp——

Senator SPECTER. Where is that located, Father Ritter?

Father RITTER. Eighth Avenue and 43d Street. And a much larger program Tenth Avenue and 41st Street.

Senator SPECTER. Eighth Avenue between 43d and 44th? You may have some increase in business.

Father RITTER. I think we might.

About 1,000 kids a month come to our program. Two-thirds of them are boys. Forty-five percent come from New York State, the rest from all over the country. Two-thirds have been involved in prostitution and pornography. Eighty percent of these kids come from one-parent families with a history of alcoholism, child abuse, plus. There are very few mysteries about why children run away from home. Very few children leave a warm, loving, and supportive family.

As I am sure most people here know, Times Square has become the center for prostitution and pornography in the United States. Everyday hundreds and hundreds of boys and girls, young men and young women, make their living there as prostitutes in the 10 blocks around where our center is located and where I live on Eighth Avenue.

The sex industry is at least a $1 billion a year business. The police have identified hundreds of pimps who work that neighborhood, controlling literally thousands of young people.

And as most people are aware but no one likes to acknowledge, the sex industry is completely dominated and controlled by organized crime. In fact, the five New York City crime families make so much money from the sex industry that they have declared Times Square to be open territory, meaning all the crime families are there, they have just divided up the business, you know.

For example, the Gambino and Genovese crime families control the pornography. Matty the Horse, Matty Ianello, controls the topless bar industry and runs a string of gay bars and transvestite places. The Angelo Bruno crime family operates four places in that area, two of them practically across the street from our center.

There is no doubt that these very evil and greedy men dominate the industry.

Senator SPECTER. Why is more not being done by way of law enforcement, Father?

Father RITTER. Organized crime, I think, in our country has become a part of the warp and woof of our society. They are, for all practical purposes, immune. They live and work with impunity. They are literally, I think, Senator, America's domestic terrorists. It has proven extremely difficult to arrest, prosecute, and convict them. And in my view, it is many ways a protected industry.

Senator SPECTER. Protected through police corruption?

Father RITTER. Not necessarily corruption.

Senator SPECTER. How protected then?

Father RITTER. I will give you an example. Two of my kids were hustling in Matty the Horse's place. That is a big transvestite hangout on West 44th Street. They were picked up at 2 o'clock in the morning by a john in the place, taken over to Jersey, raped and slashed pretty badly.

Senator SPECTER. How old were these youngsters?

Father RITTER. 14 and 15.

Senator SPECTER. 14- and 15-year-old boys?

Father RITTER. Right. Nothing happened. Show World, which is run by——

Senator SPECTER. Was there an effort made to determine who did it, to your knowledge?

Father RITTER. As far as I know, no effort was made. We reported the case to the police, and nothing happened.

By and large, the attitude of the officialdom in New York is if the place is well run and does not cause problems on the street, it will be ignored. Show World, for example, is a 24-hour-a-day sexual supermarket on the corner of Eighth Avenue and 42nd Street. No problems occur there because they have their own security force. The police simply do not bother them.

Senator SPECTER. But in a situation where young boys are picked up, and raped, attacked, and assaulted, that certainly violates the term you just articulated; that is, no trouble.

Father RITTER. It does, Senator. Last September, 6 weeks ago, three of my kids were murdered. One was 14, another 18, another 19. The fact that three children were murdered in New York City never even appeared in the newspapers or on our television screens. These kids died as anonymously as they lived.

Senator SPECTER. Are you suggesting that there is no interest by law enforcement in those kinds of murders?

Father RITTER. There is interest after the fact, after the fact.

Senator SPECTER. Were investigations made of those murders, to your knowledge?

Father RITTER. Yes. After the fact.

Senator SPECTER. What occurred as a result of those investigations, if you know?

Father RITTER. One child is still unidentified. In the second case, the perpetrator has not been found. And in the third case the police think they have a suspect.

Senator SPECTER. Father, what is your suggestion as to how we cope with this kind of a problem?

Father RITTER. The reality is, Senator, that I believe quite firmly that, God help us, we want a sex industry in this country. We have

a sex industry because there are millions and millions of customers, johns, who have decided that prostitution is a victimless crime, that it is nothing more than a mere commercial recreational transaction between someone who wants to buy something and someone who maybe has to sell.

And I am quoting now a New York County Family Court Judge, Margaret Taylor, when she dismissed the charges against a 15-year-old prostitute and her 30-year-old customer, and she said, prostitution "is nothing more than a mere commercial recreational transaction and legal."

Our mayor said recently that in his view the sex industry had a right to exist. But he added very hastily of course he was "opposed to prostitution," which is like saying, "I am going to take a bath, but I really do not want to get wet."

The comptroller of our city recently suggested that New York City spend tax dollars advertising the existence of the sex scene as a tourist attraction.

Senator SPECTER. Is there, in fact, such city advertising?

Father RITTER. No.

Senator SPECTER. I take it you think there ought to be a lot tougher attitude by local law enforcement in cracking down on prostitition and other violations?

Father RITTER. Yes, there should. The police will say quite truly they do not have the resources, the manpower, the jail cells. The prosecutors say these cases would clog up the calendar. The judges would say there are no jail cells.

One of the chief judges of the New York criminal court told me recently that in his view he had become a pimp for the city of New York because of the way he felt he was forced to handle these cases of prostitution. He gave them light fines. The fines were immediately paid by the pimps who sat in the back row of the courtroom, and the girls were put back on the street to make the fine by being prostitutes.

Senator SPECTER. Was he imposing the maximum fines allowable by law?

Father RITTER. No; the average fine is $25, $40, $50.

Senator SPECTER. Do you know what the law provides for a fine? Probably $1,000.

Father RITTER. It depends, really, I suppose, on the number of convictions.

Senator SPECTER. Do you know why the judge did not impose higher fines?

Father RITTER. I asked him why he did that.

Senator SPECTER. What did he say?

Father RITTER. He looked at me and said: "My hands are tied." And I said: "Who tied your hands?" And he would not answer.

Senator, this year we expect——

Senator SPECTER. Did you mention his name?

Father RITTER. No. This year——

Senator SPECTER. I would like for you to provide it to me privately, if you would.

[Father Ritter nods affirmatively.]

Father RITTER. This year we expect 12,000 to 15,000 children to come into our center. Most of them will have been involved in pros-

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titution and pornography. Hundreds of them, literally hundreds, will have been beaten, raped, tortured, and held prisoner. And some of them will be killed. There is not a single public jurisdiction in New York City or New York State that will accept responsibility for a homeless 16- or 17-year-old boy or girl.

I mean these kids face the cruelest possible dilemma for a kid. One of my boys put it for me very directly. He said: "Bruce, I have two choices. I can either go with a john, a customer, and do what he wants"—his actual phrase was "sell my tail"—"or," he said, "I can rip someone off and go to jail." And he said: "I am afraid to go to jail. I wouldn't make it through my first shower. I can't get a job. I have no skills. I have no place to live."

Senator SPECTER. He said he could not make it through his first shower?

[Father Ritter nods affirmatively.]

Father RITTER. He is 16 years old. I literally do not know what I would have done were I 16 and faced with that impossible choice.

Senator SPECTER. Father Ritter, you paint a very gloomy picture. What would you suggest that this committee should do about it?

Father RITTER. Senator, the reasons that we have problems like this are very complex. There are no easy solutions. You could throw enormous amounts of money at the problem, and nothing really would happen. Things will change in this area when the American people decide to change their attitudes.

Our kids are not the problem. It is we adults who are the problem. We have decided in our society quite clearly that sex is entertainment and that it is OK to pay the entertainers, even when, God help us, they are children. And until this attitude gets changed, we are going to witness an ever-increasing number of young people involved in and caught up in a life of prostitution, a street life of unbelievable degradation.

You know, the two favorite television shows in this country are "General Hospital" and "Dallas." The themes of these shows are adultery, fornication, homosexuality, greed, lust, cruelty—our two favorite shows. You know, the word on the street is, "Johns prefer chicken," kids. I have had conversations with 18-year-old prostitutes to the effect that: "Bruce, the kids are putting us out of business."

There are many things that could be done and should be done. We need stricter, more stringent, more persevering law enforcement. In my view, pimps, for all practical purposes, work with immunity. There is no question in my mind that the law enforcement with regard to pimps is not serious. We do need tougher judges.

But what we have to face is the fact that there are hundreds of thousands of teenagers in our society who have left homes, have walked away from them because they no longer exist. They cannot return there. And we must accept some kind of responsibility to provide care and protection for these children.

In New York, for example, once you blow the candles out on your 16th birthday cake, you can look your parents right in the eye and say: "Goodbye, Mom and Dad, it's been nice, or not so nice, but it's all over." You can walk out of your house and they cannot get you back. You can drop out of school; that is legal. But here are

some of the things you cannot do: you cannot appeal to the Bureau of Child Welfare, you are too old.

Senator SPECTER. Would you suggest raising the age?

Father RITTER. No; it is unrealistic, it is simply unrealistic. You cannot appeal to the Division of Youth, you are too old. You cannot get on welfare, you are too young. You cannot get medical help, you are too young. You cannot get work, you are too young. You cannot even legally sign into a hotel or motel, you are too young.

What you can and do, for all practical purposes is, in order to survive, become a prostitute.

Senator SPECTER. Father Ritter, what advice would you give to the parents to deal with and try to stop the runaways from their homes, children running away?

Father RITTER. I really do not think the problem should be stated that way. Kids that run away from basically warm, intact families really do not stay away very long. If they stay away for a night or two, they will return home.

Basically, the kids who run away and stay away are children whose families have disintegrated, who really do not want the kids, most of the time.

Senator SPECTER. But there are many children who run away from parents who do not want them to run away.

Father RITTER. That is true. I would estimate, based on our experience, maybe 20 percent of the kids.

Senator SPECTER. All right. Dealing with that 20 percent, at least as a starting point, based on your extensive experience, what advice would you have for parents where the children have shown some inclination to run away? What should the parents do to try to stop them from being runaways?

Father RITTER. OK. Usually, a boy or girl runs away from a good family like this, largely as a result of years and years of recrimination, bitterness, misunderstanding, and lack of communication. And when you come to the crisis point, the flashpoint, when the kid decides to take off, it is very difficult then to recover the relationship.

I would strongly recommend that families who are having serious difficulties with their teenaged children, that they immediately involve a trusted, competent, third party. It does not have to be a psychologist or psychiatrist. It could be a close family friend, a relative, a priest, a minister, some counselor, someone in whom both the child and the parent have confidence and trust so they can perhaps begin to work through some of the problems that may force that child to run way.

Senator SPECTER. Father Ritter, what advice would you give to the youngsters?

Father RITTER. Don't stop talking. Don't run. Go to some adult friend, not one of your peers. Go to an adult friend that you trust and try to talk out problems. Usually, help can be found for children from intact families, if the kids know where to find it. We have made it difficult, however, for these kids to get that kind of help.

Senator SPECTER. I am sorry, but I must interrupt at this moment. After we had scheduled these hearings, the Appropriations Committee scheduled a markup to consider the bill for the

Departments of Labor, Health and Human Services and related agencies. That started 1 hour ago. We have a quorum there, and there are matters thereto which I must now attend to.

So I must interrupt, and I will be back as soon as I can.

[The prepared statement of Father Ritter and additional material follows:]

Prepared Statement of Father Bruce Ritter

I am Father Bruce Ritter, the founder and President of Covenant House, which is an agency that has specialized in the care of runaway, homeless, and sexually exploited youth since 1968. Located in the heart of Times Square in New York City, we are open 24 hours a day to provide anyone under 21 years of age with basic food, clothing and shelter as well as with supportive counselling, medical, legal, casework, educational and vocational services that are designed to help them make a successful transition into productive adulthood. Under out policy of open intake, no one who meets our age criteria and comes to us for help may ever be turned away. On the average, we see about 1,000 youngsters each month.

Before providing specific recommendations, I want to thank Senator Spector and the members of the Subcommittee on Juvenile Justice, for the opportunity to present this testimony on behalf of a population that has remained nearly invisible. Last year, the Subcommittee on the Constitution estimated that there may be over one million runaways in the United States with 500,000 of these youth being homeless. Similarly, the Subcommittee on Select Education in the House has asked the General Accounting Office to conduct a national survey, with which we are cooperating, on the incidence of child prostitution and pornography so that we may have a more accurate understanding of the range of this problem which is directly related to runaway and homeless youth.

I have no doubt that this survey will show a dramatic increase in runaway and homeless youth becoming involved in child prostitution and pornography. While this may be most visibly evidenced in Times Square, the forthcoming National Symposium on Exploited and Victimized Children in Louisville will surely demonstrate that the problem exists in every urban area throughout the country. However, as important as it is to have hard information on the incidence of occurence, we must move beyond this stage to the point where we can take some decisive action. That is why I am pleased to address you today, and that is why I commend the efforts you are taking here to help these youngsters.

It may interest you to know that my own introduction to the problem was quite accidental. I am a Franciscan priest who was teaching medieval theology at Manhattan College in 1968. During one of my lectures on the need to become actively involved with the poor, my students challenged me to practice what I preached. With the consent of my superiors, I soon found myself living in New York's East Village which, then as now, is an extremely poor area frequented by drug addicts, illegal aliens and homeless children. It was there that around 2:00AM one snowy winter day, I was awakened by six kids, aged 14 to 17, who asked to spend the night on my livingroom floor. It turned out that they had just been burned out of the abandoned building that was their home by some junkies who wanted them to work as prostitutes--that was after they had run away from a "friendly" couple in Yonkers who made them pay for their room and board by starring in a pornographic movie.

Later that day, after 24 different telephone calls to public and private child welfare agencies, the best advice I received on how to help these children was to have them arrested. Since it should not be a crime to be homeless and hungry in our country, I decided to care for them myself. In that way was Covenant House born.

Since 1977, when we opened our Under 21 Center in Times Square, over 20,000 youngsters have come to us for help. Our statistics for 1980 show that 43% of these kids were residents of New York State, with the majority coming from any of the other 49 states as well as from U. S. possessions and foreign countries. The vast majority, or 76% of our total population, were between the ages of 16 and 21. Sixty-five per cent of them were males, and 71% were Black and Hispanic youngsters. On the average, they have a 5th grade reading level and come from single parent families with a history of alcoholism and child abuse. More than 60% of them have experienced some form of sexual exploitation during their lives on the streets.

Over the years, our work with these youngsters has established a strikingly similar pattern. As I mentioned earlier, the first category are younger children who have run away from home to avoid situations of

abuse and neglect, including sexual abuse. The second category, mostly older adolescents, may more porperly be termed "throwaways" instead of runaways as they have been forced to leave homes that can no longer sustain them. Finding themselves on the streets, with little marketable skills, these kids are soon recruited, if not openly abducted, by the organized child prostitution and pornography industries which, in New York at least, are estimated to earn close to $1 Billion each year, much of it tax free.

If you could talk to these kids, as I have, you would see a face before you that is prematurely old from malnourishment, beatings and venereal disease. You would sense a spirit that has been broken, bereft of all hope, and terribly isolated. I will never forget one 17 year old boy, who had been working in the streets for four years, who said, "give me one good reason why I should not jump off the Brooklyn Bridge." I was hard pressed to give him an answer that would make sense to him. His situation was not unique by any means.

In fact, one of the most difficult obstacles my staff has to face in working with these kids is to give them a genuine feeling of self-value which will motivate them to reconstruct their lives. Streetwise youngsters know, from what they have experienced, that our society is content to accept child prostitution as a so-called "victimless" crime. Without a home and with marginal skills, they know that there are very few jobs open to them. They also know the violence of the streets and that their exploiters will not sit idly by and lose their source of income.

Just this last September, there were three girls, all under the age of 17, who had spent some time with us at Under 21 and were found brutally murdered within five blocks of our Center. One of them has yet to be positively identified by the police. A pimp actually came into our Center one morning and offered us $500 for a 13 year old girl from Maine. A 14 year old boy was chased into the Center one day by his pimp who was carrying a broken bottle. He was trying to kill the boy who had escaped from a motel right down the street where he was held prisoner for six weeks. A 17 year

old girl from Staten Island had a tough time making the $200 a night her pimp required. She would come into our Center for just a few minutes at a time, to get a bite to eat or a shower, before she went back on the street. I met her a few weeks before Christmas, and she was killed just shortly before New Year's. Her body was chopped in a dozen pieces and distributed in various parts of New York and New Jersey, wrapped in Christmas packages. There are more recent case studies amended to this testimony with still more examples, if you need them.

What we are up against, pure and simple, is the greeed of organized crime which capitalizes on the disintegration of the American family by using the children and young adults whom nobody wants to satisfy our society's most depraved sexual desires. If you took a walk down Eighth Avenue and 42nd Street today, you would see the marquee of the Grand Pussycat Theatre, which is the flagship of Mikey Zefferano's national network of porn palaces, all aglow with notices of the movie called "Kid Stuff." You would pass by the newly reopened Paradise Alley, featuring live nudes, right across from our Under 21 Center. Martin Hodas, who owns this establishment and six others, enjoys the good life out in the exclusive suburb of Lawrence, Long Island. Paradise Alley is right next to the Cameo porn theatre, which is right next to the Globe Hotel, the biggest hotbed hotel on the block which rents rooms by the hour.

All of this exists openly for anyone to see despite the presence of the Protection of Children Against Sexual Exploitation Act of 1977, despite the excellent efforts of the Mayor's Midtown Enforcement Project, and despite the outrage of thousands of people who give generously to keep Covenant House there on Eighth Avenue while also demanding of their respective legislators that something be done to stop it.

Why does this exist? Because a small segment of our society wants it. The rest of us decry it, but do not seem able to do anything about it. Perhaps we don't care enough, or maybe we don't know enough.

By these hearings, you have evidenced a concern to take some action, and I am pleased to assist you by offering the following recommendations:

(1) One relatively easy solution will be for this Subcommittee to support the bill already introduced before the Congress by Senator Paula Hawkins from Florida which would create a national clearinghouse for missing children. As we understand it, this bill will allow parents or anyone with potential information on missing and runaway children to enter such data into the national computer system which is already maintained by the FBI. Confidentiality and safeguards against abuse of the system will be assured by allowing only law enforcement officials to have access to this information. This will better equip them in their efforts to find such children and return them to their parents. We at Covenant House return about 60 children each week to parents who are overjoyed to learn that their children are well and will soon be returned to them.

(2) However, the above bill will do little to help those adolescents and young adults who are not wanted by their parents. I can't tell you the number of times I have telephoned parents to inform them that we have their children only to have them tell me that since I have them, then I can keep them. In these cases, we need the resources to help these youngsters establish themselves in independent living situations and, when you examine this further, their most pressing need is for housing.

Last year, we were able to place nearly 2,000 youngsters into entry level jobs or job training programs, but it takes a minimum of 18 months to complete such training. If one with admitedly marginal skills has to worry each day about where he or she will sleep that night, there is not much energy left to be applied to learning a job skill. Some kind of temporary housing or a voucher system for attaining such housing must be made available to these youngsters if we are to really support their efforts to enter the job market.

In addition, the private sector employers who do develop job training programs must be assured that tax incentives will be granted, so that they will expand upon this vitally needed service.

(3) Given the current pressure to balance the Federal budget, I must encourage you to continue your excellent efforts to assure that funding for runaway shelters is not decreased. The National Network of Runaway and Youth Services, which is based here in Washington, can tell you of the actual need to increase the number of shelters that exist for homeless youth, and I urge you to invite Steve Rourke, the Execuitve Director, to submit his own written testimony in this regard.

We know that community-based diversion programs and other shelter programs further the intent of the Juvenile Justice and Delinquency Prevention Act by providing cost effective alternatives to the incarceration of status offenders. They also prevent thousands of homeless youth from being forced to commit crimes to get the money they need for survival. As a 20 year old runaway from Massachusetts told Barbara Rosen of the Wall Street Journal, in a recent article about Covenant House that is included in your press kit, Under 21 "stopped me from doing something I don't want to do." In fact, we feel that our presence in Times Square has done more to reduce crime there than any other single factor.

(4) On the matter of child abuse, we are greatly encouraged by the number of bills that are before the Congress which will help local communities address this growing problem. However, we urge that child prostitution and pornography be included in all definitions of child abuse, and that local child protective officials be mandated to investigate cases of youngsters abused, destitute and maltreated on the streets as well as within the home.

(5) On the matter of child pornography, I am appending to this testimony a copy of an "amicus curiae" brief which we currently have pending before the U.S. Supreme Court. This supports the appeal made by Manhattan District Attorney Morgenthau in the matter of New York v. Berber, the notorius "kiddie porn" case in which the State Court of Appeals found the penal law which banned the sexual performance by a child to be unconstitutional.

I urge this Subcommittee to use the benefit of the most current findings from child psychologists and other experts that we have presented to show the long term damage to victims of child pornography who must live with the knwoeledge that their body is "available" for anyone willing to pay the price. Additionally, we demonstrate the ineffectiveness of the Federal statute against child pornography in that since its enactment in 1977, only 13 indictments have been obtained under the "distribution" section and only one indictment, and no convictions, under the "production" section of the Act. This Subcommittee must strengthen the Protection of Children Against Sexual Exploitation Act so that a finding of obecenity is not the only recourse that local communities have to protect their children against this vilest form of child abuse.

(6) Finally, I must ask you to direct the FBI to become more involved in uncovering the national networks of prostitution and pornography which are many times controlled by the same organized crime figures who deal in the trafficking of illegal drugs, waterfront corruption and labor sweatshops. The Justice Department must also take a leadership position in encouraging the prosecution and mandatory sentencing of people convicted of these crimes.

In closing, let me again thank you for the invitation to speak to you today. Let me also repeat that we at Covenant House stand ready

to assist this Subcommittee and any other group which seeks to evidence the same concern and commitment that we have to the proposition that young people should not be bought, sold or otherwise exploited by adults anywhere at anytime.

APPENDIX

Linda, age 17, ran dozens of times from a mother prone to breakdowns and an alcoholic and seductive father who physically abused her. Each time she received a beating from her father, Linda left her home in New Jersey for Times Square. There she engaged in prostitution and drug use. Linda came to Covenant House and received shelter and counseling in the girls' runaway program. Early one morning she was pursued by a street gang and ran into a building and up to the roof. Either falling or jumping in her panic, Linda was impaled on an iron fence, which had to be severed with a blow torch in order for her to be taken to a hospital. After her discharge, Linda went home and received physical therapy. In 1980, Linda was seen in the Times Square area prostituting once again. In May 1981 she gave birth to a baby boy. Linda is currently living in New Jersey with the baby's father in an apartment furnished by her parents.

Diana, age 17, first came to Under 21 in 1978, after fleeing from her pimp. She initially appeared severely depressed and expressed suicidal thoughts. Diana would leave Under 21 for long periods of time to return to prostitution. Contact with Diana's mother indicated that she was remanded to an in-patient psychiatric facility in New Jersey where the family lives. Although our efforts to return Diana to this facility were futile, we were so concerned about her depression that we facilitated hospitalization in a psychiatric hospital in New York City. Several times over the next two years, Diana returned home, only to come back to her pimp after a few months. In late 1980, Diana left her parents and began prostituting herself again. In September 1981 Diana tried to commit suicide and was placed in a New York City psychiatric hospital for observation. The hospital was willing to discharge her to Covenant House regardless of her heavily depressed state. Covenant House would not accept her referral. In October 1981, Diana was discharged from the psychiatric facility.

Hope, 17, was referred to Under 21 by the police a year-and-a-half ago. She had been in placement for over three years, as her mother was unable to care for her. Hope refused to return to the agency in which she was placed, and SSC was unable to develop other options for her. As a result, Hope lived on the streets, supporting herself through prostitution and becoming involved in a local gang. In March 1981, Hope was arrested for prostitution and mugging, and is presently serving a one- to three-year sentence in a correctional facility. She continues to meet on a monthly basis with a Covenant House social worker in order to work on post-probation alternatives.

William, age 16, came to New York City from Gainesville, Florida. He was referred to Under 21 by a friend of the family. William has been living with his mother and two sisters, and started running away when he was 12. William said that his mother physically abused him and his sister, and allowed her boyfriends to physically abuse him and sexually abuse his sisters. He also said that the mother purchased alcohol rather than food with her welfare checks. William appeared to be malnourished, tired and drawn. He reported that he had been using drugs and alcohol since the age of 13 to cope with his family problems. William was eventually returned to the Florida Protective Services in lieu of facing contempt charges for truancy in Florida.

Larry, age 19, lived with his mother and maternal grandmother in Brooklyn until age eight. His grandmother took the more active role in his early upbringing. When he was five years old, Larry accidentally set fire to his bed. His grandmother made him sleep on the bare box spring to teach him a lesson, and seemed more concerned about the apartment than about her grandson. At the age of eight his mother was hospitalized for a psychiatric illness. For the next six years, Larry was shuffled between an uncle in Queens and an aunt in Uniontown, Pa. He was unable to adjust, and began truanting, taking drugs, and getting into trouble. His grandmother put him up for adoption, and he was placed in several foster homes followed by a series of group home placements. Larry became a chronic agency runaway and came to Under 21 and to ICU in December 1980, requesting shelter and a Job Corps referral. Larry is currently involved in counseling through the ICU, and is interested in entering a school or day program.

Arthur, age 20, lived with his natural parents until age nine, when his mother died of cancer. The family was split up and he and two siblings went to live with an aunt and uncle for two years. They returned to the father and because of constant conflicts, overcrowding and Arthur's inability to get along with his stepmother, he ran away. At the age of 13, Arthur was arrested for driving a stolen car and placed in a shelter, followed by a group home placement. Arthur became an habitual agency runaway and sabotaged numerous SSC placements. Arthur came to Under 21 in June 1978, and came many times thereafter. His case was referred to ICU, but he refused their services. Arthur took to the streets, hanging out on 42nd Street, living from place to place and becoming involved, briefly, with gang activities. In October 1980, Arthur returned and it was learned that he had to appear in court to face a robbery charge. Arrangements were made for Arthur to take a test in order to qualify for a GED training program. He passed the test and all information was documented and sent to the judge to verify Arthur's intentions. Arthur is presently awaiting the court's decision.

Tom, age 18, grew up in Upper Manhattan. His mother is alcoholic, and stabbed the father to death when Tom was about one-year-old. The mother spent some time in jail for the crime, and Tom went to live with an uncle. His uncle was very strict and there seemed to be some evidence of abuse, although no complaint was made. It was during this time that Tom began running away. Tom lived with his uncle until he was 12, when he returned to his mother. He continued to run, and was placed in a residential treatment center at 13. His mother went to court to have him discharged back to her custody, and he continued to run and started acting out. Tom was in and out of several SSC placements and drug treatment programs between the ages of 15 and 17. He was arrested in April 1980 for breaking and entering; in May 1980 for purse snatching; and in August 1980 as an accomplice to a robbery. He spent four months in jail and received five years probation. Tom was referred to ICU in February 1981 because his mother threw him out. He received shelter at Under 21 and was discharged after three days for stealing. He was referred to a series of placements and discharged for acting out behavior. In March 1981 he was arrested for possession of marijuana. Tom was placed in a group home and ICU contacted Tom's probation officer and lawyer recommending that as a condition of probation, Tom be placed at a secure facility offering psychiatric care.

Victor, age 16, is on probation for two charges of robbery in February and March 1981. Victor ran away to Under 21 after stealing money belonging to his family. He ran because he feared that his father would physically assault him for taking the money. Victor returned to the home, and the entire family is receiving counseling which has relieved much of the tension. Victor will be entering the Job Corps in October 1981 in order to receive his high school diploma and to learn a trade.

George, age 17, was referred to Under 21 by the Salvation Army. He lived with both parents until he was four, when his parents separated. The children remained in Brooklyn with their mother. George's father was killed in a truck accident when George was 14, which has impacted greatly on his emotional stability. He had been running away since he was 13 because he resented the attention his mother paid to his siblings. His problems have been compounded by his mother's rejection of his current homosexual lifestyle. Several family meetings were set up for counseling sessions, which George's mother did not attend, although she eventually signed papers so that George could be placed in a group home or treatment center.

Patti, age 18, has been in foster care since the age of three. At the age of 14 her foster mother moved to North Carolina, and Patti's mother would not allow her to accompany the foster family. Patti had tired of foster care, and lived with a friend in Atlanta for three years. She recently visited New York and was forced into prostitution by her aunt's boyfriend. She became frightened and despondent, and went to the Port Authority for help. The police in the Port Authority referred her to Under 21. Patti was suspected of continuing her involvement in prostitution while at Under 21, and was confronted and counseled around that issue. She attended an on-site school, P.S. 106M. Although her attandance was poor, her progress was satisfactory. Patti is currently in the Job Corps and hopes to receive her GED and training in nursing.

Dana, 17, was raised by her grandparents in Chicago. When she was 13, her mother took her to California, where she began to beat on Dana, for no apparent reason. Dana ran away at age 14, was placed in a group home at age 15, and then at 16 she joined the reserves. She received an honorable discharge for medical reasons in June 1981. Dana came to Under 21 in August 1981 to escape from a pimp who had forced her into prostitution on her arrival in New York City. She was involved in prostitution for three weeks and began working with the pimp squad and the Covenant House legal department to try and apprehend her pimp. Because of our location in Times Square, we felt that Dana should be quickly placed outside the city so that she would not have to be constantly reminded of her ordeal. She had no family to live with, and had requested a structured environment where she could develop self-discipline and receive counseling. Arrangements were made for Dana to reside at Covenant House's female residence until a SSC group home placement could be finalized.

[From the Wall Street Journal, Oct. 23, 1981]

A New York Shelter Is Helping the Young To Leave the Streets

(By Barbara Rosen)

New York—Most of them are teenagers. Most are black. Most are boys. They could be in any city high school as they line up for lunch and hang around talking or go to class, gym or counseling sessions.

This is Covenant House, a place near Times Square that tries to help kids who have no home but New York City's streets. Its executive director, the Rev. Bruce Ritter, calls it "an intensive-care unit for dying children."

Father Ritter says that three out of five who come to Covenant House have been involved in pornography or prostitution. They seek help because they want to get off the streets for good. Yet few of them know how to survive anywhere else, says Sister Mary Gretchen Gilroy, executive director of Under 21, Covenant House's shelter and crisis center. They don't know where to look for a job or an apartment, she says. Many of them are baffled by the subway system.

More often than not, Covenant House ultimately fails to help them. Often, however, it turns their lives around.

RUNNING AWAY

"Jim," a 20-year-old from Massachusetts, had run away from a job transfer he didn't want and from a dying father he had never communicated with. He spent his first few nights in New York at the Port Authority bus terminal, where his luggage and $700 savings were stolen. Unable to find a job, he approached a minister, who sent him to Covenant House. Under 21 "stopped me from doing something I don't want to do," he says.

Now, having failed to find a job before his self-set deadline, he is going home. His counselors at Under 21 had wanted him to do that from the start. "We send more kids home in a week than most runaway shelters treat," Father Ritter says.

Covenant House estimates that there are 20,000 homeless teen-agers in New York. Many don't qualify for government aid; many don't know how to apply. At a time when governmental budget cuts threaten even the limited programs available, Covenant House stands as an example of what can be done almost entirely with private funds. It was cited by President Reagan in an Oct. 5 address to the National Alliance of Business.

Those who have sought help at Convenant House over the years have ranged in age from nine to 21, but they are all "my kids" or "our kids" to Father Ritter, a 54-year old Conventual Franciscan priest. He started helping them 12 years ago by taking 10 of them into his apartment in East Greenwich Village. Today, Under 21 shelters an average of 200 a night.

A young person can come to Under 21 at any hour, be given a bed, toothbrush, toothpaste and soap and be told that breakfast is at eight. No questions asked, no fees charged. Any staff member who turns someone away "is fired on the spot," Father Ritter says. Last year, he says, more than 3,500 of his "kids" went on to a new life or decided to go home again.

But at an interview in his large but sparsely furnished office, Father Ritter doesn't focus on his successes. When he talks of "my kids," he also means his failures—the two he has "lost" for every one helped—and the countless others who never asked for help. Three of those he had "lost," he says, were found killed last month.

A prime force behind the youths' Plight Father Ritter says, "is New York's sex industry," which he calls a billion-dollar industry that the police and politicians are reluctant to take on. "Our kids aren't the problem; we are the problem," he says. "We have made it almost fashionable for a child to be a sex object."

More than half the youths are from outside New York. Many are runaways, to whom "Times Square is more exciting than any television show," Father Ritter says. Others never had a real home to run away from. Sister Alicia Damien, director of residential services, tells of one girl who came in "beaten from head to toe" with an extension cord by her mother, who wanted her to work the streets.

In the past year, 40% of those who have sought help at Covenant House have been 17 or under. "They can't relate consequences to actions yet," Father Ritter says. "Kids can be taught—that it's fine to be a pimp, that it's okay to deal drugs." Many of the homeless turn to prostitution, he says, because it's safer than stealing. They run less risk of going to jail. "People wring their hands about Times Square," he says, "but nobody is going to take on organized crime. The laws against public obscenity aren't enforced in this city."

New York's mayor, Edward Koch, replies that when the sex industry violates the law, the city sees to it "that the law is enforced and that those who are in violation are apprehended and, if the courts agree, convicted and sent to prison." He adds. "I believe that examination of my record of enforcing the law with regard to the sex-related industries such as prostitution and obscenity will show it to be a good record."

More boys than girls come to Covenant House, Father Ritter explains, because more boys are working the streets; it is easier for them to work without a pimp. Covenant House also shelters teen-age mothers—19 of them one recent night—and their children.

According to Father Ritter, eight out of 10 who seek Covenant House's help come from one-parent households with a history of drug abuse or alcoholism; tests indicate that 70% have a serious physical learning disability. "If you want to see what my kids will become" he says, "just walk down 42d Street between Seventh and Eighth Avenues. You can't live for months on the street."

As soon as a youth comes to Under 21, a file is started. It is updated every eight hours as the staff learns more about his needs and makes plans to meet them. Meeting them can mean everything from medical, vocational, psychological and social counseling to clothing and a Social Security number. It can also involve getting in touch with the city Social Services for Children or with other agencies, such as the state's Central Re[illegible]

A PHONE CALL HOME

Within 24 hours, those under 16 are encouraged to phone home but aren't required to disclose their whereabouts. Later, staff members try to talk with the family to determine whether going home might work out. If not, other avenues are explored—other relatives; runaway houses, or group homes, some affiliated with Covenant House; an independent life, jobs, the military.

A resident can leave at any time but can stay indefinitely, just so long as he keeps working toward the goals decided on. (A child under 16 can stay on in any case.) Some 30% leave before a plan to help them is ready. About 20% reject a plan and leave. The rest, about half, go to parents or relatives (20%), to long-term residential programs (20%), or full independence (10%) but roughly-one-third-of all these eventually end up back in the streets.

Why do so many slip back? Some fear their pimps. Some have simply lost faith that the future can be better. "Changes are scary for us," says Joyce Bowman of Covenant House's mother-child program. "Covenant House's mother-child program. "Can you imagine it for these kids?"

The average stay at Under 21 is only two weeks, but "There is a licensed New York City public school on the premises. The residential floors have 115 beds in single, double and triple rooms. When the beds run out, kids sleep on floor mats. The three-building facility also includes a licensed clinic, a gymnasium, a cafeteria and administrative offices.

Many of the residents must be physically protected. Staff members tell numerous stories of pimps threatening to come in shooting if their girls aren't released. The facility is guarded by off-duty police officers, and Father Ritter sees to it that they are generally big enough to scare away trouble. "I hire some very big staff," he says.

Father Ritter tells of one young man who came to him for advice about six months ago. He was determined to rescue a prostitute friend from her pimp. "We can protect her; you can't," Father Ritter told him, but he didn't listen. He was found stabbed to death. The pimp has been charged.

The staff tries to keep Covenant House from looking like a detention facility, and that's hard because it used to be a state prison. There are still bars on the windows and gates in the stairwells, contrasting sharply with brightly painted doors and colorful carpeting.

The problems of theft and violence, Father Ritter says, are "less than in the average public high school." How about crimes in the neighborhood? Precinct officers disagree as to how often Covenant House residents may be responsible.

THE FINGER POINTS

Officer Steven Cacioppo of the 10th Precinct says, "The finger is going to tend to be pointed at Covenant House." In his opinion, these accusations are "very seldom" right. He calls Covenant House "a positive step in getting the kids off the street."

Sgt. Michael Gerhold, also of the 10th says, "We know that they've committed a lot of crimes." This is true, he says, "anytime you have a facility like that where you can't guarantee the whereabouts of the kids" all the time.

But Sister Gilroy says that "we won't let the kids use this place" as a home base for crime. She points out that residents' days are fully scheduled—"It's mandatory that they be doing something; they may not simply hang out." A 10 p.m. curfew, she says, is strictly enforced.

After several years of working mostly with city funding and its requirements, Father Ritter decided to work primarily with young people who didn't qualify for city funds. Over 90% of Covenant House's projected $12 million budget next year will be raised privately. Most of the money comes from small individual donors, but there are some big benefactors: The Grace Foundation has donated more than $130,000 since the mid-1970s and Chase Manhattan Bank more than $100,000. Others contribute goods and services; Young & Rubicam, the advertising agency, charges Covenant House for production but not for labor.

Father Ritter himself appeals for money for Covenant House at Masses around the country. Last August, for example, he averaged 10 Masses a weekend and raised $11,000. He plans to step up his fund-raising efforts to help offset impending budget cuts in programs like the National Health Services Corps. While Covenant House gets only 10 percent of its money from government, some of its work, especially the clinic's greatly, depends on that 10 percent.

Covenant House has 300 full-time staffers. Their annual salaries range from $9,000 for some clerical and maintenance workers to $45,000 for a senior executive. Almost 200 of the 300 work at Under 21, and most of them make about $10,400 a year. Many staff members are professionals—teachers, nurses, counselors, lawyers—who have taken sizable pay cuts from their previous jobs.

James Kelly, manager of direct-mail marketing, came to Covenant House from International Telephone & Telegraph Corp. Joyce Bowman came from a personnel agency. "I'm making less, but I'm a lot happier, she says. "I can go home from a good day here and feel like I've done something good."

There are also 175 volunteers. And then there is the Covenant Community, a religious group of about 60 persons who reside at a Covenant House annex with Father Ritter for a year and devote their time to prayer and to working with the kids. They receive room, board and $12 a week. Christine Hall used to teach school in Syracuse. Now she lives in the Community and works with younger boys, considered among the most difficult to handle. "It's a common commitment, a common goal," she says. "We're serious about our commitments and about our faith."

Covenant House opened a subsidiary, the Casa Alianza, in Guatemala in July and is considering opening shelters in Toronto and Houston. Each of the latter would be "a clone of New York," Father Ritter says. But the Guatemalan shelter is designed to meet the longer-term needs of the homeless children of Guatemala, who suffer more from starvation on the streets than from subjection to prostitution or pornography.

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Covenant house
460 West 41st Street, New York, N.Y. 10036
Area Code (212) 354-4323

FATHER BRUCE RITTER, O.F.M. CONV.

Father Bruce Ritter, a Franciscan priest, is the founder and President of Covenant House, an international child care agency, and of its well-known crisis center, UNDER 21, in Times Square.

Homeless, runaway, and sexually-exploited youth can come to UNDER 21 for help on a round-the-clock, "no-questions-asked" basis. Food, shelter, social, health, legal, educational, and vocational services are offered to the more than 12,000 adolescents who come to its door each year.

In July of 1981, Covenant House opened its first overseas mission in Antigua, Guatemala, for the homeless shoeshine boys of that country. Covenant House will also be opening a crisis shelter for youth in Toronto, Canada, in January of 1982, and a second one in Houston, Texas, by June of 1982.

Father Ritter became involved with young runaways and prostitutes while working among the urban poor on Manhattan's Lower East Side in 1968. He had left his position as campus chaplain and professor of Theology at Manhattan College, and moved to a tenement apartment to begin a ministry of "availability" to the people of this desolate ghetto. One night, six young people came to him for shelter. Unable to find assistance for them among the existing social service agencies, he could not bring himself to send them back out on the street. More and more young people began coming to him for the help and shelter they could obtain no where else. Rather unintentionally, Covenant House was born.

A native of Trenton, New Jersey, Father Ritter entered the Franciscan seminary in 1947 after a stint in the U.S. Navy. In 1956, he was ordained a priest in the Conventual Franciscan order. He was awarded his doctorate in Medieval Theology in Rome in 1958, and taught theology in St. Anthony-on-Hudson, and St. John's University before his transfer to Manhattan College.

Father Ritter is the recipient of numerous awards and citations, among them the National Jefferson Award from the American Institute of Public Service in Washington, D.C., the Service to Youth Award from the New York State Division for Youth, and the International Franciscan Award.

He has also attained national prominence as a result of his media appearances, and testimony before government and community groups.

10/81

Covenant house
THANKSGIVING, 1981
460 West 41st Street, New York, N.Y. 10036
Area Code (212) 354-4323

Hello, my friends,

This is going to be an upbeat Thanksgiving letter. I promise you that. I've got the greatest, heartwarmingest story to tell you and it's not even about one of my kids. Not exactly anyway.

But, first, I've got to get something off my chest. You see, Paradise Alley just reopened, gaudier, pricier than ever, this time with live nudes. For almost two years, this raunchy blight of a peepshow had been closed by the effective action of the Mayor's Midtown Enforcement Project run by the capable and caring Carl Weisbrod. Paradise Alley is right across from UNDER 21. The action on Eighth Avenue heated up right away. The girls are back working the street in front of our chapel. The pimps, hustlers, runners, johns and assorted hangers-on are back. Paradise Alley is right next to the Cameo porno theatre which is right next to the Globe Hotel, the biggest hotbed hotel on the block. From our Covenant Community residence we can see the continuous action on the street below: the buying and selling of bodies, the commercial recreational exchange called prostitution that is one of the biggest -- and untaxed -- industries in New York.

Martin Hodas lives at 37 Harbor View West out in Lawrence, Long Island, 11559, an exclusive suburb of New York City. A lot of very wealthy people live there. Martin Hodas is the smut king of New York. He owns Paradise Alley. He lives far from the sleaze and grime and violence and exploitation and death of Eighth Avenue and 42nd Street. But he makes a lot of money there. Martin Hodas who lives in exclusive Lawrence, out on Long Island, owns at least six other porno book stores in New York City. What he retails is promiscuity, adultery, sodomy, fornication, sado-masochism, homosexuality and all kinds of things we used to call perversion. He lives at 37 Harbor View West . . . the very address reeks of affluence and security and no garbage in the streets and no riffraff hanging around. There are certainly no pimps and pushers and prostitutes and johns hanging out in front of 37 Harbor View West. The neighbors would complain. Property values would go down. Their children would be endangered and corrupted.

It's perfectly OK, though, for Martin Hodas to live there. I wonder if his neighbors go to his parties or they invite him to theirs? Martin Hodas is a panderer. Webster's New Collegiate Dictionary, 1980 edition, defines panderer this way: "someone who caters to or exploits the weakness of others, a pimp." Does his wife know Martin Hodas is a pimp? Do his kids know their father is in such a dirty business? I wonder how he explains it to his children. I wonder if Martin Hodas out in exclusive Lawrence knows what he is doing?

Can you forgive a sinner before he repents of his sin? Should we? Must we? Is the answer always to cite the example of Jesus -- "Forgive them, Father. They don't know what they're doing" -- these unforgettable and troubling words whispered by Christ minutes before He died in agony, extending pardon to the men who tortured and killed Him?

Are there some who do know what they are doing and don't care? Men who act out of greed, a lust for money, by exploiting the darker side of our nature? If, after all, nobody really "knows" what he's "doing" or choosing to do, for evil or good, then the reality of freedom and choice and accountability flies out the window. There is no good and evil, no right and wrong, no vice and virtue. There are only different degrees of ignorance. Ignorance might get a lot of people into heaven. Does it keep everybody out of hell? Is nobody there, because nobody ever knew enough about the evil he committed to merit punishment? Does Martin Hodas know what he is doing?

Christ said a lot of troubling things. Paradoxes. Scary things. Like "Judge not, lest you be judged." He unhesitatingly forgave Mary Magdalene because she was sorry for her sin. Christ forgave the sinner and said, "Go, sin no more!"

Maybe we could help Martin Hodas at 37 Harbor View West become un-ignorant. Maybe if you dropped him a line -- don't rant and rave -- and pointed out what a rotten, evil, corrupting business he runs, he just might listen. You know where he lives, I think. (His phone number is unlisted . . . Naturally.)

Now for the great heartwarming story.

(more)

About 48 weekends a year I'm on the road, preaching in a different parish each week, preaching at all the Masses, telling people how great my kids are and asking their help. I inveigled many of you on my "list" that way. I enjoy doing it, but it's, quite frankly, a pretty brutal way to spend every weekend -- like for 10 years. Especially when you have to face a 4 hour drive back to New York after your 10th sermon. No hearts and flowers please, and I'm not looking for sympathy (not very much anyway) I really do enjoy it. Honest. But sometimes you can get too much of a good thing . . .

Two years ago, I preached in this great parish in Connecticut. It was a blistering hot Sunday. I had just finished my eighth sermon and was cutting back across the parking lot to the Rectory for a quick cup of coffee before dragging myself into the pulpit again. It was really hot. I noticed this young teenager standing in the middle of the parking lot. As I got closer I noticed how beautiful she was. And, then, even closer, the tears in her eyes. She was obviously waiting for me. I stopped. "Hi," I said. "I'm Father Bruce." "My name is Rebecca," she said. "Do you have a minute?" "Sure," I said. We stood in the blazing sun. She didn't cry but the tears flowed faster. "I'm a senior in high school," she said, "and I'm three months pregnant. I'm not going to marry my boyfriend -- we're too young and I don't think it's really love. My parents don't know. I'm thinking of an abortion. What can I do?"

"Do you love your parents?" I said. "Are they good to you? Do they love you?" "Yes," she said. "I love them very much and they love me." "Talk to them," I said. "They will help you. Don't have the abortion. You can never bring the child back to you. Talk to them. They won't turn away, not now when you really need them." The girl suddenly smiled and said, quite simply, "I'll talk to my father today. Thank you." I noticed again how beautiful she was.

That was all. I had my fifth cup of coffee and forced myself back into the pulpit for my ninth sermon of the day.

The memory of that beautiful child stayed with me quite a while, but other memories crowded in and blurred and then buried it.

Last month, almost exactly two years to the week, I returned to that same parish. Another blistering hot day and I was cutting back across the parking lot . . . She was there! Honest and no fooling and not a word here of poetic license. She was there in the blistering sun, and she had the most beautiful kid in the world in a stroller . . . I mean, he was gorgeous.

"My parents were super," she said. "They took me and my baby in. They wanted to. My father set me up in business -- I have this little flower shop, and I'm making it just fine." The little kid was just really beautiful. He had this enormous smile on his face. I made some dopey remark about how happy I was too and when the kid grew up and ever wanted to run away, well, I had this really great place and she smiled and I smiled and I went back to the rectory for another fix of coffee before I could face another sermon . . .

What a great story. Right? I was high and happy about it for days. I still am.

It's one of the reasons -- there are many, why 1981 has been a great year for Covenant House. I couldn't begin to list all the people I'm thankful for and to, and all the great kids who gave us the chance to love them and care about them, and my great staff, and you whose compassion and generous hearts really do keep Covenant House in existence.

I'm grateful too, to Rebecca's parents. I've never met them. They were there when she needed them. Really there.

Enjoy your Thanksgiving with your families, your friends. There's this great parish in Scarsdale, Immaculate Heart of Mary, (where I also preached umpteen times), that every year makes sure my kids get a fantastic soup-to-nuts Thanksgiving Dinner. About 60 families work together to prepare and deliver a feast for 300 kids!

Thanks, to God, for you. We need your financial help very much right now. We need your prayers even more. Pray for us, please, as we always pray for you.

Peace,

Fr. Bruce

Father Bruce Ritter

Covenant house 460 West 41st Street, New York, N.Y. 10036
Area Code (212) 354-4323

There's a mystery here - in this story - of grace and sin. I wish I understood it better than I do. Let me tell you what happened so you can try to understand it too. I never met him although he tried several times to see me, just dropping over, taking a chance I'd be in the Center and I never was. My staff tells me he's a big man, inches over six feet. A couple of times he sent over runaway girls too young to work for him, and once a really sick youngster. He owns and operates the newest and raunchiest peep show and brothel in town just across the street: beautiful girls - 25 cents a look. Over a dozen prostitutes work the place (average time with a john is 7 to 20 minutes. For $20.00). The place is open about 18 hours a day.

Last week about three in the morning he came over again carrying a milk bottle filled with quarters, dimes and nickels. This is for kids, he said. We like what you're doing. I'm in a bad business but I don't like kids getting hurt. We collected this money from girls and their johns for your kids. He handed the milk bottle filled with money to Peter, the young and by now bug-eyed, slack-jawed staff person on duty and walked away. 'God bless you,' he said. It came to $84.20. The next morning my staff told me what had happened. I was furious, I was outraged. I also laughed till I cried. Take it back, right away, I said. Tell him no thanks. Thanks a lot, but no thanks - tell him we appreciate the thought but no thanks. Thank him for sending the kids over though.

I thought that was the end of it - just a bizarre incident to add to the many hundreds of others. But he came back the next day dressed in a beautiful white silk suit, grabbed a broom to help Peter sweep sidewalks. "He didn't have the right to do that, that Priest. He didn't have the right to refuse a gift to God. I don't hurt anybody. I've got four kids. I got to make a living. I cleaned up my place, made the girls stop stealing and ripping off the johns. I go to church. I tithe. I gave the money to another church." He went back across the street, got into his gold Eldorado and drove away. The more I thought about it the more the inexplicable mystery of sin and grace and love, of lying and caring oppressed and obsessed me. I think he tried to do a good thing. Yet what he does across the street is clearly evil. 'God bless you,' he said. He gives 10% of his "income" to charity. He runs a low-class brothel and cares about runaway kids and people who help them. And he wanted very much to be understood.

I can't get that 'God bless you' out of my mind. I couldn't have said it back to him: the words would have stuck in my throat. I hate what he does. I'd do my best to close him down. But I have this awful suspicion that he was sincere. I wouldn't worry so much if he were quite clearly a flaming hypocrite. But that 'God bless you'... I think he really meant it. And my mind reels and I can't understand.

I know a lot about mixed motives. I'm the world's expert on mixed motives - my own - trying to disentangle the good from the evil, to unravel the knotted skein of the worthy and the unworthy, to pry loose the clutching impure fingers from the throat of my better self ...the weeds keep growing with the what.....and suddenly I am overwhelmed by my kinship with this man for we are both sinners hoping in the mercy of God and his forgiveness.

I still couldn't take his money. Even though 55 kids came in yesterday and 23 of them needed a bed, the rest food and counselling (that usually means comforting). Your monthly help is all that keeps us here. We are your hands and heart and love for these kids. That's what the Lord said. Pray for us all the time, please. We pray for you. Pray for the guy across the street too. I wish I understood it better.

Peace!

Fr. Bruce Ritter

Covenant house 460 West 41st Street, New York, N.Y. 10036
Area Code (212) 354-4323

In the jargon of the street he's known as rough trade and he plies his wares, himself, up and down the Minnesota Strip. He is fifteen and looks 18 and he's seen the elephant.

We faced each other across my desk casually, relaxedly while I carefully arranged my face and my eyes and my mind, so that nothing I said or did or thought or felt for the next hour was spontaneous or unconsidered. He offhandedly, with the practical skill that needed no explanation, probed for my weaknesses, inspecting my jugular with the guileless eye of the corrupted young. Slow waves of depravity and innocence washed in shadows of darkness and light across his face.

He used the shreds of his innocence with a kind of detached hapless malevolence to evoke my sympathies. By turns he was cynical and calloused, winsome and desperate--for knowing moments at a time, vulnerable. He drifted in and out of reach, in and out of touch, constantly probing, watching for the moment of advantage.

The Minnesota Strip is the slimy underbelly of Manhattan, a 15-block stretch of Eighth Avenue porno parlors, strip joints, pizza palaces, cheap bars, fleabag hotels and thousands of drifters, hookers, and their pimps. It parallels Times Square and intersects that block on 42nd Street where a couple dozen third-rate movie houses crowd together in grimy brilliance. At night, the crowds of castoffs and nomads and derelicts mingle with the crowds of affluent theater-goers from the high rent districts and suburbs. A lot of kids go there and make their living there. Like the boy across my desk.

You don't say very much to kids like that. It's always much more a thing of vibes and perceptions and boundaries. The trick is to offer what he needs at the moment and that rarely is a lot of God talk. It's enough if he knows why you do it. This kid's needs were simple enough: a place to live, some safety, some food. What complicated the essentially simple immediacy of it all was our "no strings" thing. He wanted to pay for it. That's what he always had to do. That's how the game is played.

We play the same game with God all the time. We don't like his "no strings" love for us either, particularly if the "us" includes a depraved innocent, a vomit-splattered derelict or pimp with a stable of children whom he rents by the hour. We try desperately to climb up out of the us by being good, by being better, by deserving more. We demand that God loves us because we are good, and we are good to make God love us. We have to pay for it. That's the way we've always played the game. And to know that God loves us not because we are good but to make us so is sometimes unbearable. Because as he loves us, so we have to love us, all of us.

And so I try to love the kid across my desk in a way he really can't understand at all. But grace does, and God working in a depraved and empty and terrified heart does and maybe, just maybe, the innocence will return to that face and he will take his eyes off my jugular and stop pushing his toe into my foot under the desk. Maybe that child who was never a child will become a child. Maybe.

He is yours and mine. Like it or not, he is part of us. Thanks for your own "no strings" love - your help.

Peace!

F. Bruce

Shelter is refuge for runaways

Reprinted from THE SUNDAY RECORD
Photos by THE RECORD, Hackensack, N.J.

A haven in city's hell

Staff photos by Al Paglione

By Ellen O'Brien
Staff Writer

There's a girl standing in a doorway on Eighth Avenue just north of 42nd Street. She looks about 17. She's wearing a graying white blouse with the sleeves rolled up. Her chin is tucked in, and her stomach protrudes slightly under grimy jeans. She must have combed her hair back off her face

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sometime in the next ... ag, now it strays listlessly over her husband and eyes.

Leaning against the doorjamb, desperately casual, she's chewing gum and watching a man walk toward her. Just as he's passing, just as he gets in earshot, she pleads in a quick breath: "You-want-a-date?" He never looks at her. He keeps walking and she keeps watching him, chomping on her gum and swallowing hard. Her face falls. He's gone. She looks down the street again.

The hustle that swells within the 10-block radius of Times Square in Manhattan is cheap and bitter. Knots of kids hawk dope and send out pickup cues. Cops walk in threes. They stop to frisk a drunk against a building, and let him slide in a stupor to the pavement. Another teen-age girl with stoned eyes weaves like a dancer through the passing bodies, searching. A man with pale eyes and a powder blue shirt steps away from the curb and says, very low and ugly, "Well. How are you?"

Nearer the Hudson River, a block behind the Port Authority parking lot at 460 W. 41st St., a young boy is leaning against a red brick wall. He's got his T-shirt pulled up, and he's showing somebody old knife wounds. There's a long, mean scar under his rib cage on the left, and another one on his right breast. A banner just above him lifts slightly in the dusty afternoon breeze: It shows a bird in the hand, and it says, "Under 21 / Covenant House."

For 10,000 kids this year, that banner will mean sanctuary.

Police estimate that there are between 20,000 and 50,000 runaway kids on New York's streets at any one time. Probably close to 20,000 are under 16. More than half of them come from the greater metropolitan area — New York's five boroughs, Long Island, Connecticut, and New Jersey.

Pimps are waiting

They get off the buses at the Port Authority terminal, and within a week perhaps 80 percent of them have had their first brush with prostitution. If they don't hate themselves when they leave home, they can learn self-contempt and hopelessness in a couple of short lessons. There are 1,500 pimps waiting to teach them.

The pimps come on like good old friends, then they take them in — keeping them in shoddy hotel rooms around the Times Square dives. Says one Covenant House worker, "They may rape them to get them used to sex....They'll take their clothes and keep them in the hotel rooms until they think they're ready for the streets. Then they'll send them out, and tell them they can't return until they've turned a certain number of tricks."

In the midst of this, Covenant House is an eight-story bastion with swinging doors. Kids can walk in at any hour, in any shape, day or night. They can change their minds — most of them do — and go back to the street. They can show up again weeks or months later, with no harping or questions asked. Nobody turns them over to truant officers or social workers. Nobody contacts their parents without their permission. They can rest, and feel safe, and maybe start to think they've got a second chance. And the Rev. Bruce Ritter, the 53-year-old Roman Catholic priest with faded freckles and faded blue eyes, the man who runs this place, will fire anybody on the spot who thinks about turning one child away.

Covenant House operates on a $5.5 million annual budget. About a third of its money comes from city, state, and federal coffers. The rest, Father Ritter says, "comes from God — although He doesn't always send it along as fast as we would like." (These contributions are from individuals and companies.)

The building is big ... and airy, with white walls, multicolored doors, and individual bathrooms for single and double bedrooms. "The first thing the kids ask for when they come here is food, because they're starving when they walk in," Father Ritter adds. "The next thing they want is a bed, a bed of their own, not one they have to share with someone else."

He has been involved in this "mission of emergent need" for a dozen years. In just the last two-and-a-half, he has seen 21,700 kids come through his doors. About a third of them — 7,000 — have managed to turn their lives around.

"Sixty percent of the kids you see downstairs are prostitutes. They don't have any options," he says. "We adults have decided that sex is entertainment. The entertainment and sex industries in this area are not only contiguous, they form a continuum." He talks of the names of the mobsters who oversee that continuum. "Sex is a $1.5 billion industry, and the merchandise is our children."

Father Ritter's office is long and sunny and almost bare. His desk is a work table littered with papers; on the far right corner, yellow chrysanthemums peer to starched beauty from a cheap

(continued)

The lounge of Covenant House offers youths a safe place to rest.

Staff photo by Al Pogliano

vase. A cactus on the windowsill survives next to a small Pieta. A statue of St. Francis of Assisi, an oddly shaped wood-en cross, a coffee mug, and a half-filled bottle of One-A-Day Multiple Vitamins stand like sentries on the top bookshelf behind him.

Three want home

He is a Franciscan, and most of the promotional pictures for Covenant House show him as a broad-shouldered cleric in a Roman collar. Right now he's wearing a soft blue velour shirt, denim jeans, and Nike running shoes. "Today we have 84 kids," he says. "We had 87 yesterday, but we sent three home."

The youngsters get daily counseling, free food, a bed, and a haven away from the pimps and street gangs that have been running their lives. Sometimes those pimps try to break in and grab back the teen-agers — who may be as young as 13 or 14. Not long ago, one pimp offered a night attendant $500 to get a girl back.

Covenant House also has a walk-in lunch program that serves a couple of hundred kids a day and a clinic that is staffed full time by a general practition-er, three nurses, and a nurse practitioner, and staffed part time by a gynecologist, an internist, a dozen volunteer registered nurses, and, significantly, a pediatrician.

"We've found that since we moved here [in February] from our old place on Eighth Avenue, more white kids, more girls, kids from middle-class back-grounds, are coming in," Father Ritter says. "I don't think the type of runaway has changed. I just think this place is less intimidating for them."

He's sitting low in his chair, his legs stretched out in front of him and his arms acced behind his head. He looks very, very tired. The day before he had given a talk to 1,500 students at Seton Hall Pre-paratory School in South Orange, then drove to a luncheon in Greenwich, Conn., so that he could address 200 churchwo-men. The day before that, he had lectured 700 students at the University of Massa-chusetts in Amherst. He says he gives between 150 and 600 sermons a year, and lectures at 60 high schools and 10 univer-sities.

"Most of it's consciousness-raising. If I can get to the kids and their parents, maybe they'll start talking to one an-other. If I can get to the college kids — they're the next adults, the consumers — maybe they won't look for sex in places like Times Square," he says. "I'll go any-where. I'll talk to anybody."

Hamburgers for lunch

Downstairs in the shelter's first-floor cafeteria, a group of kids is having a late lunch. They're eating hamburgers and potato salad and drinking half pints of whole milk. A boy from somewhere in the South moves full-speed to dessert, and settles down to work on four dishes of rice pudding.

The girl next to him is 19, although she looks about 15. She's near the end of her Covenant House stay, and she has spent the morning hunting for a job.

"Wait till I tell you this," she says. " I went to one restaurant and there was a sign in the window, 'Help Wanted.' And then, when I went in to apply, the man-ager looked at me and he said, 'The job's filled.' I said, 'Well if it's filled, why didn't you take the sign out of the win-dow?'" Her face is pale and round, and filled with frustration. "I mean, that's not fair, is it?"

The angry cloud passes, and she says in a bright voice, "I'm getting my own apartment next week." She nudges the girl to her right. "And I want her to move in with me."

The girl in the next chair is frail and quiet. She sits with her shoulders drawn together and her arms folded protective-ly across her chest, but she's smiling. "She's my best friend," the job hunter says. "You should see us at night. We have pillow fights. Last night there was a girl on our floor who was squirting water on the other girls, you know. And when she went to the water fountain, when she put her head down to get a drink, I pushed her face into the water. Then ev-erybody started running around and soaking everybody." The two girls giggle. "We have a lot of fun," the job hunter says. She is very sweet, and she knows a lot more about nightlife than water fights.

As part of his testimony at a public hearing on child abuse and mistreatment, held by New York City's Department of Social Services in 1978, Father Ritter ap-pended a list of case histories drawn at random from Covenant House files. That list of 100 kids' lives showed 23 instances of previous child abuse — rapes and beatings by parents — and 66 cases of exploitation by pimps or street gangs.

The statistics can overwhelm by their magnitude. But it is in the individual child's story that they terrify: A 14-year-old boy's family moves to Florida — and refuses to tell him where. A 15-year-old girl from Detroit runs away — and works the streets as a hooker for a year because she doesn't have enough nerve to go home.

"I was downstairs in the lounge a cou-ple of weeks ago," Father Ritter says. "I asked one of the littlest kids — He's 6 years old, his 11-year-old brother brought him here and left — why he had to leave home. He pulled my head down so that my ear was next to his mouth, and he whispered: 'Because my mother beats me.' Then I asked a 16-year-old boy — a big, handsome kid — why he was here. He pulled my head down like the 6-year-old had, and he whispered: 'Because my mother burns me.'"

The Covenant House staff is divided into three parts, each of which work di-rectly with the kids: full-time paid em-ployees, part-time volunteers, and full-time volunteers, who live as a community in the project's former shel-ter on Eighth Avenue.

The Covenant community of full-time volunteers spends three hours a day in prayer and meditation, and one day a week fasting. Each member gets room and board and $10 a week, and stays for at least a year. The community is part of Father Ritter's spiritual scheme. He be-lieves that active good can thwart evil by its simple presence. His community is meant as a symbol and a force within the circle of sex marts around Times Square.

Christopher Bell has been in the com-munity since last August. Since then, nine of the kids who tried Covenant House but left have died in the streets.

Bell knew two of them. "One was a 15-year-old Spanish boy with deep blue eyes. I remember seeing him help with the mopping in one of the men's rooms one day. I said, 'You're doing good work.' He said, 'Yes. I have a lot of experience. I used to do this in jail. . .' He was stabbed about a block off Eighth Avenue. His two brothers had also been killed on the streets.

"A 16-year-old girl died the same week," Bell says. "She used to come around here and talk to us, or get clothes, just looking for some attention. She fell six floors from a hotel window. I don't know whether she was pushed or she jumped.

"These kids d... believe they're good, and if you tell them they're good, they refuse to believe you, because that would mean there's something about them that is worth loving," Bell says. "But you don't have to say it. You can show it.

"Some of them may come here seven, eight, nine times, and keep going back to the street. They don't believe they can change. They're special in a lot of ways, I guess, because they come here at all. Maybe after months or years of living on the street, they're still trying to change their lives. And you wonder, when you learn their backgrounds, how they've come so far. I don't understand it all. But I do know we have to keep taking them in, and that's okay."

And with all the work against 21.5 billion odds, sometimes there are small and sudden resurrections.

"A 13-year-old girl from Brooklyn ran away from her home on Good Friday. She prostituted herself to get money for clothes and an apartment. She walked in here on Easter Sunday morning, scared and tired. She went home yesterday," Bell says.

"Last year, I worked with a 19-year-old boy. He ran away at 15, and he'd been hustling and dancing in a male go-go bar ever since. He ran with a pack in the

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The Rev. Bruce Miller

The runaways' priest

"I have strong views," the Rev. Bruce Ritter says. "I'm stubborn, competitive, proud, vain. I don't like to lose."

He's talking about Covenant House, and its "Under 21" project for runaway children. He's talking about its beginnings, in a tenement building on Manhattan's Lower East Side. He's told the story thousands of times.

"I don't like to lose," he says. "And these six kids knock on the door, and look like they're gonna die. Kids can look so innocent, so guileless.

"They say, 'We're gonna let you own us.' And it's snowing outside. . . .

"People make too much of virtue sometimes," he says. "Most of the good things I've done are because of my vices."

In 1967, Father Bruce Ritter was another liberal priest teaching liberal kids theology, and sermonizing about Christian commitment. He had been for nine years an ordained Franciscan priest, with a doctorate in medieval theology, and was serving as campus minister for Manhattan College.

He was giving a homily at a Sunday mass, so the story goes and the myth begins, when one of the students stood up, in effect, that student told him, "Listen, Father, you talk a good game. But what are you doing yourself about setting the world to rights?"

Father Ritter apologized to the student body, asked for a new assignment, and moved into a 72-apartment building in the East Village. He had no

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"I simply believe that children should not be bought and sold."

— The Rev. Bruce Ritter

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clear idea of what he was going to do

He lived pretty much alone for the first few months, watching, learning the community, with junkies and runaways and porn film makers as neighbors.

Then, one bitter night, four boys and two girls showed up at his door. They had been burned out of the abandoned building where they were squatting. They wanted to know whether he'd let them sleep on his floor. When morning came, it was still snowing. One of the kids went out briefly, and returned with four more teen-agers. They stayed, and Father Ritter knew what to do. What he didn't know was what he was getting himself into.

Many of the kids he knows are "throwaways" as much as runaways. They are the children of the streets, the ones who were bred in anger, who are sick with anger and nameless remorse — the children who find that home holds not love, but terror, and that the road is only a long, pointless walk away from fear and toward fear. They exchange abusive parents for abusive pimps. The others are the shamed ones — the ones who pick a fight with parents or brothers or sisters and take off, perhaps to show everybody they can make it on their own. They are the ones who discover that there is a world where no room is safe, and most adults are predators.

Father Ritter couldn't get any of the city or state agencies to help him take care of a brood that grew daily. He asked friends, former students. As other apartments in the building opened, he moved his instant family into them.

Then he started moving the kids into other buildings. Landlords didn't mind: They got free repairs for their decaying apartments, and fairly responsible 'tenants' for the first time in years.

In an interview with Kenneth Wilson of World Vision magazine last year, Father Ritter described the following four years: "It was a pretty bloody mess, I'll tell you, and no money. We had hundreds of distraught kids coming, really wiped-out youngsters, most of them sexualized, a lot of them into drugs. Many of them died. Some jumped out of windows, some were killed, some went back home. In four years, the numbers grew so enormous I decided we had to get chartered. So we got licensed as a nonprofit agency for abandoned, delinquent, runaway, urban, nomadic children — Covenant House."

He didn't want to move to the Times Square area (Covenant House is now operating at 460 W. 41st St). In fact, by 1976, he wanted out of the whole hell he saw seething around him. He almost went to India, but by that time his "mission" was so established that his superiors wouldn't let him go without a replacement. And nobody else wanted to take his place in hell.

Meanwhile, the local community planning board for the Times Square area wanted him — and he found the only suitable building was owned by the Christian Missionary Alliance, which operated it as its world headquarters. The building, at Eighth Avenue and 44th Street, had a chapel (a prospective buyer wanted to turn it into a porn movie house), a hosiery (a buyer wanted to convert it into a massage parlor), and a dining room (a buyer wanted to use it as a strip joint). The missionaries were not pleased with the options available to them, and had started a prayer vigil on the same day Father Ritter showed up and offered to take over the building. Such is the myth and truth that surrounds this man.

By 1977, Covenant House had expanded to include 10 group homes, a city-funded school, a full-time community of volunteers, and 'Under 21,' the crisis center for adolescents and teen-agers that offers everything from a free lunch to health services.

Last year, the project obtained a new facility, in another myth-like event. Covenant House was bursting with young people; kids sacked out in sleeping bags on the floor of the chapel at night. Father Ritter decided it was time to find larger quarter. He learned that a state-run drug rehabilitation program was ending at 460 W 41st Street, and the building would be up for sale. The state refused to sell it at first, and Father Ritter went to lobby with a close friend of Governor Carey. Carey walked in during that interview. By the time Father Ritter returned to his office, Carey had come up with an astonishing compromise: Covenant House could get the building as a tenant, for a dollar a year.

In his February, 1980, newsletter, Father Ritter described what happened next: "The new center, I reflected ruefully, was a dream come true, and just maybe, also the beginning of a nightmare. You see, we had decided to move the kids in by stages — to open our first dormitory of 50 beds, move the kids in, see then work out the programmatic kinks before we opened the other 60 beds.... We had over 70 kids sleeping on the floor in our Eighth Avenue 'Under 21' last Monday when we ceremoniously moved 50 kids over to the new dormitory. The kids were ecstatic and I was relieved and happy. Not only because the kids had a new beautiful place to live in, but because there were just 20 or so kids left sleeping on the floor . . .

"Then something terrifying happened: in 24 hours, another 50 homeless and abused youngsters appeared like magic and slept on that vacated floor. Now we have 120 kids instead of 70. I am really scared that when we open our last 60 beds another 60 kids will appear out of the night and fill up the floor again. There's got to be an end to them. There's got to."

Father Ritter has no truck with social theorizing that would allow a place like 42nd Street to exist (for those who 'need' that type of sex. "That's nonsense. Nonsense," he says. "That's a 'liberal's argument. People who are liberal don't live here. A liberal wouldn't be caught dead doing this work."

He sounds bitter, this former college teacher and medieval scholar who has become a symbol of stubborn compassion for tens of thousands of desperate teen-agers.

"When I go out to lecture, I tell people how good these kids are. How much they need us," he says. "But I'm not bitter. I don't live on the edge of bitterness. . . . Frustration. Anger. Yes. But anger is not bitterness. I simply believe that children should not be bought and sold."

ELLEN O'BRIEN

(continued from page 3)

Village. He was picked up more often than any of his friends, because he was younger, and smaller, and more attractive. He could make $500 a night.

"When he first came here, he handed me a contract he'd been offered to make a porno film. He'd taken it because he'd always wanted to be in the movies.

"A couple of days later he said to me, 'I know I don't want to go-go dance anymore, or be in that film. But I don't know whether I want to live or die....'

"We talked for a long time, and he told me to tear up the contract. He's one of the ones who didn't go back on the streets. He's working at a menial job in a restaurant around here.

"He's keeping a regular schedule, he's saving money. He's talking about getting married. And he's feeling good about himself. He made a dramatic change," Bell says. "I don't know whether I could have done that."

About a block west of Covenant House, a man who operates a parking lot is on his knees, leaning tenderly over a sick cat.

"Do you think she's dead?" he asks. The cat stirs slowly and rises. It's deathly thin, and it begins to cry. "She's one of seven that come around here. I feed her and feed her, but she never gets any fatter," the man says. "Do you think she has worms?"

Somebody starts talking about Covenant House to him. "Oh, that place," he says. "Those kids. They come and sit on the steps of the church across the street there and drink beer and smoke. One time I had to call the police twice in one afternoon because they were scaring my wife."

Father Ritter hears this later, and wants to know which parking lot, which church, which man — what this is all about.

Then he considers the irony. "There's absolutely no reason why there are so many homeless kids in this city," he says. "And the measure of our malaise is that we've able to rationalize our concern for seven cats rather than seven homeless children.

"We're the problem," he says. "We permit the police not to enforce the law. We believe politicians when they say they can't do anything about it. We're the customers.

"Before it closed, the best people went to Studio 54," he says. "The best people." His voice becomes weary. "At least in the past, with vice, we had the grace to be ashamed of it."

About the author

Ellen O'Brian has worked for newspapers for eight years. Prior to that she taught high school and worked for a national Catholic volunteer organization in Port Isabel, Tex. She is also a former social worker.

A Message From Bruce Ritter

The children my friends and I work with are prematurely wise, prematurely old, prematurely sick, troubled, hurt and always, devastatingly, alone. We do what we can to give them a bit of warmth, help and hope. I have seen many of them slip away from us because we did not have the means to reach out to them fast enough and effectively enough. I have seen others happily reunited with their families, going to college or setting themselves up in independent living.

The demands they make on us are at times extraordinary, unreasonable. How they survive in the streets -- those who do -- remains an unfathomable mystery to me. They can be exasperating beyond belief. Yet they are good kids. They deserve better, an alternative to a degrading existence which will otherwise destroy them. We offer them a place in which they can begin again. In a part of New York City which is no place for a child, we have carved out a place called Covenant House where there is room for them. Won't you find room for them -- in your heart?

Peace
Fr. Bruce

Fr. Bruce Ritter
Executive Director
Covenant House

UNDER 21

COVENANT

"I bound myself by oath,
I made a covenant with you...
and you became mine."
Ezekiel 16:8

"We try to live honorably and truthfully, in trust and love, accepting responsibility for ourselves and others. We treat the children as we would be treated. We expect them, as far as they can, to live according to this covenant.

"We remind our children that they are or can become capable of free choices leading to responsible and loving relationships with others. Lying, stealing and exploiting are wrong. Cruelty, viciousness and selfishness destroy the covenant between us. They are shown by word and action that they can love others as we love them and as they very much want and need to be loved.

We hope you will want to participate in the work of Covenant House and Under 21. By sending your generous contribution, you are answering the desperate plea of God's poor and helping a lot of kids who really need you. Please send your [illegible] contribution to

Covenant house

460 West 41st Street, New York, N.Y. 10036
Area Code (212) 354-4333

[Brief recess.]

Senator SPECTER. Gentlemen, I very much regret the interruption. Let me just take a minute to tell you what the causes are. We have not only the Appropriations Committee but an intervening vote on the Clinch River breeder reactor. I regret to say to you that I cannot resume the hearings today immediately. We will have to reconvene here, and I would like to do so at 1:45 p.m. this afternoon.

I am very interested in your testimony, and I appreciate your bearing with me. It is just not possible to really schedule with any certainty. We set this hearing up substantially in advance, and then Appropriations had a meeting which was set up only a few days in advance, then on top of that the votes on the floor take precedence over all.

But this is a very important subject, in my opinion, one that our staff has worked on long and hard and I have reviewed. I appreciate your coming. And I will reconvene at 1:45, and I very much want to hear your testimony.

[Whereupon, at 12:25 p.m., the subcommittee recessed, to reconvene at 1:45 p.m., the same day.]

AFTERNOON SESSION

Senator SPECTER. Good afternoon, gentlemen. Pardon the delay again. Thank you for waiting.

I am pleased to welcome back Mr. Pregliasco.

Mr. Pregliasco, would you begin, starting with your full name and position and your views on this important issue.

STATEMENT OF RONALD J. PREGLIASCO, VICE CHAIRMAN, JEFFERSON COUNTY TASK FORCE ON CHILD PROSTITUTION AND PORNOGRAPHY

Mr. PREGLIASCO. My name is Ron Pregliasco. I am the vice chairman of the task force on child prostitution and pornography in Louisville, Ky. We have entered our statement for the record, Senator, and I will briefly go through a couple of the highlights.

Senator SPECTER. That would be fine. Your statement will appear in the record as you have submitted it.

Mr. PREGLIASCO. Our task force was established in March 1980 by our county judge executive, Mitch McConnell. At that time we talked about the extent of the problem you have been talking about, and the judge gave us two charges. One was to detect the extent of the problem in Jefferson County, and the second was to develop some strategies for preventing the tragedies that have been happening around the country.

We have done that, we think, and we are very proud of our track record. So far we have had over 500 children referred to our office or our task force: 43 percent of them have been documented to have been involved in some way in prostitution.

Our task force is made up of all levels of law enforcement, prosecutor's office, social workers, and the academic community from the University of Louisville, who help us with the research and with some interviewing. We operate police-social worker teams. They work real well. I think earlier today you heard testi-

mony about law enforcement not being involved. In Jefferson County that is not true. It has been very successful because they have come forward.

Senator SPECTER. Are you suggesting that law enforcement in Jefferson County is better than in New York City on this issue?

Mr. PREGLIASCO. I am not familiar with how well they work in New York City.

Senator SPECTER. You heard some testimony this morning. It would be shocking if it were not better.

Mr. PREGLIASCO. It is very good in Jefferson County, Senator. And in the interest of time, since our statement has been submitted, we have a few recommendations I would like to submit.

First, we do heavily endorse Senate bill 1701, which would develop a tracking system for runaway kids. Right now local law enforcement has very little to do if someone leaves their jurisdiction. We need something like that.

The second thing is the Attorney General's task force on violent crime which suggested that the U.S. attorneys coordinate some efforts in the criminal justice area. We would like to recommend that that happen. In Jefferson County we deal heavily with bikers, motorcycle clubs who are involved with these kids, and often when they leave our jurisdiction there is little we can do.

If the U.S. attorney and the FBI nationally were more involved, it would be a real asset. The Office in Louisville has been supportive. They have given us staff, and they have helped us. But I do not think there is a national policy that gets them involved.

The third thing, and probably the most important, I would like to say, is there is no national network of information on kids. We would like to see that established. And to do that, we are sponsoring a symposium, which I am sure you are aware of, on November 30 through December 2, in Louisville, with the National Conference of Christians and Jews, the U.S. Justice Department, and our Crime Commission, to talk about it. And hopefully, that will develop some kind of national network.

With me is John Rabun, who can get more into the specifics of the type of children we have been talking to.

Senator SPECTER. Welcome again, Mr. Rabun. We would be pleased to hear from you.

STATEMENT OF JOHN B. RABUN, MANAGER, EXPLOITED CHILD UNIT, JEFFERSON COUNTY DEPARTMENT FOR HUMAN SERVICES

Mr. RABUN. Thank you, Senator.

I run the exploited child unit in Jefferson County, Ky. It is a unit comprised of three social workers, including myself, all senior social workers. And assigned to us are a Louisville City Police detective and two Jefferson County Police detectives who work on a teamwork basis with us in our investigations concerning these child victims. That is probably a point in and of itself which needs to be underscored.

At all times, I think, as you probably noted this morning with the waiver we had, the child, the parent, and the child sign with us, we take the stance of not using anything the child would tell us against the child. If police authorities can develop cases against a

child some other way, they are free to do so, but they cannot use information we gain in our interviews against the child, if for no other reason than the *McKiever, Kent, Gault,* and *Winship* decisions that guarantee children certain rights under the U.S. Constitution. We feel we must protect that. This is one of our ways of doing that.

We have had in the last 16 months 750 referrals, of which 526 were opened as children's cases. As Ron said, different children, 43 percent, were established through the probable-cause level, and police cases have gone forth. Another 34 percent we developed to a level of reasonable suspicion. We believe as professionals in the field that they are involved in prostitution, but we simply cannot come up with the necessary level to make an official law enforcement case of it.

He points out one of the inherent problems in what Father Ritter was getting to. The kind of material that our task force can deal with because of the social-work-police-team basis is far broader than what is normally the charge of a law enforcement agency that typically wants to know has a criminal act occurred—past tense. We can deal with it in an ongoing sense or even in predictive sense, hopefully to protect the kid.

The type of kids are somewhat indicative of young David this morning; 11 to 16 years old is typical—normal intelligence, blue-collar-family background, a high degree of racial prejudice, almost always a single parent, which is the mother.

Senator SPECTER. Mr. Rabun, what is your best evaluation as to how to deal with this problem?

Mr. RABUN. How to deal with it? I would do, I suspect, three things. One would be fully to support the bill you have cosponsored. I believe it is Senate bill 1701, which largely speaks to the use of the NCIC-type computer such that those of us who are out on the line in our own local home communities can find out if a child is missing, find out if a child is wanted, find out if a child is particularly abused, whatever. That cannot be done in this country right now.

Under the FBI's regulations it can be done. But the law enforcement agencies until recently, including ours in Louisville and Jefferson County, did not understand that. The language is written in such a way that unless you are trying to find it you will not find it. That bill, I think, certainly attends to that as a serious issue. If you don't know the child is out there you obviously cannot find him.

The second thing I would recommend would be the sponsoring, perhaps through the U.S. attorney's office in every jurisdiction, some form of a task force, work group, whatever you might want to call it, an oversight committee that would at least put some official imprimatur on units such as ours—different social service agencies, law enforcement agencies, prosecutorial agencies, defender agencies—getting together to discuss on a frequent basis that type of problem and how it can be attended.

If that doesn't happen there simply will continue to occur the situations Father Ritter speaks to. It is my belief that Father Ritter is accurate to the degree that it's my experience that law enforcement and social services alike are extremely inattentive to these kinds of kids.

Senator SPECTER. What recommendation would you have for parents who are concerned about having their children run away?

Mr. RABUN. It's up to a parent to listen more to their kids, to give more understanding, to be simply around their children now and then would be nice. Most of these children are absent adult care and supervision so they are free to do whatever they want to do.

Beyond that I think parents should be more attuned and perhaps through some national or at least local educational effort to understand that just because a kid is in a program that purports to be in the best interest of children—a children's club of some sort run by adults—that need not necessarily mean that those adults are totally in the kids' best interest.

I think the flag I would like to raise with parents would be if you see an adult who is into some sort of a children's movement or children's club, who is paying simply too much attention to children of one sex, be that male or female, at that point I, as a parent, would hope I would ask of my own children some additional questions.

The problem we are dealing with here, Senator, is a hidden victim problem. It's incredibly difficult to identify these children, to realize who they are. They look like my kids, your kids, anyone else's kids.

Senator SPECTER. Do you have children?

Mr. RABUN. Yes, sir.

Senator SPECTER. How old are they?

Mr. RABUN. My little girl is 9 and my little boy is 6. I am sure my little girl I would say, as a parent, would never get into something like this and I am fooling myself because it's not my child who will get into it. It is the adult who will prey on my child, who gets my child into it.

We have put the burden in this country, through the juvenile justice system on the wrong party.

Senator SPECTER. Mr. Pregliasco, I don't want to cut you short, but I would like to know what other additions you have which are especially important. Regretfully, I must go back both to the floor and to the Appropriations Committee shortly and I want to conclude.

But I want to be sure I hear the highlights that you wish to add.

Mr. PREGLIASCO. Senator, I think we've talked about the highlights of our testimony and the rest has been submitted.

Senator SPECTER. I appreciate your coming from Kentucky.

Mr. PREGLIASCO. Could I do one more thing?

Senator SPECTER. You bet.

Mr. PREGLIASCO. We would like again to invite you to attend our symposium if you get the time. I trust your staff will push you in that direction.

Senator SPECTER. They've been pushing me hard in that direction.

Mr. PREGLIASCO. We think it will establish that kind of a network and we need the leadership of you and other Senators to do it.

Mr. RABUN. It is worth saying, Senator, that this request for a network nationwide was requested out of some Federal granting agencies as much as a year and a half ago.

Senator SPECTER. Is that symposium next year in Louisville?

Mr. RABUN. No. It is at the end of this month. And it is through the leadership of yourself and some of your colleagues that we are beginning now to get the ear of some national figures who can lend some credence to the seriousness of these kids' plight.

Senator SPECTER. Well, I would very much like to be with you, but the schedule is past impossible. Thank you very much.

Mr. RABUN. Thank you.

Mr. PREGLIASCO. Thank you.

[The prepared statement of Messrs. Allen, Pregliasco, and Rabun follows:]

PREPARED STATEMENT OF ERNEST E. ALLEN, RONALD J. PREGLIASCO, AND JOHN B. RABUN, JR.

Mr. Chairman and members of the Committee, I am Ernest E. Allen, Chairman of the Jefferson County Task Force on Child Prostitution and Pornography. Accompanying me today are Ronald J. Pregliasco, Vice Chairman of the Task Force and John B. Rabun, Jr., who is Manager of the Exploited Child Unit, Jefferson County Department for Human Services. We are very pleased and honored to have the opportunity to appear before you today and to discuss what we consider to be a problem which is rapidly reaching epidemic proportions in the United States, the exploitation and victimization of children.

The Task Force on Child Prostitution and Pornography was established by Jefferson County Judge/Executive Mitch Mc Connell on March 28, 1980 in the wake of the increasing incidence of criminal victimization of children nationally, particularly through sexual exploitation. It was a time of outrage over child murders such as those in Chicago and Houston and over the "discovery" of child murders and tragedies nationally.

Judge Mc Connell created the Task Force with a clear mandate to examine our local setting and determine whether or not there were present those conditions which breed child tragedies. We also visited other cities in which child tragedies had occurred, we reviewed the national literature, and we indeed did conclude that a virtual epidemic was occurring in America.

Let us cite just a few examples:

(1) In his book "Murder USA", John Godwin identifies the development of a "multiple-murder" syndrome, warning that the second half of the 20th Century could be called America's Age of the Mass Murder. He examines America's history of mass murder since the turn of the century and finds that there were only seven such incidences in our first fifty years (seven or more victims). However since 1950, and in Mr. Godwin's book he only counts through 1976, there have been 16, 10 of which occurred between 1970 and 1976. It is shocking to note that most of our recent mass murders involved child victims.

In addition if we add to the list since 1976, we have several more multi-victim child tragedies, not the least of which is Atlanta. Further,

the list does not include the September 1981 tragedy on our northern border in which nine children were murdered in Vancouver, British Columbia.

(2) National estimates are that over 50,000 children each year disappear from their homes, not counting habitual runaways and parental abductions. A majority of these children never return, many are murdered.

(3) Our national runaway count continues to grow, with estimates now reaching well over 1 million children each year.

(4) Kenneth Wooden, Director of the National Coalition for Children's Justice has indicated that more than 4,000 children are murdered each year in the United States, but that many of them go unreported. The 1979 Uniform Crime Reports listed 2,773 homicides involving children.

There has been for at least the last decade in America a litany of tragedies, a litany of names which have been burned into our collective memories: John Gacy, Dean Corll and others. It seemed to us in Jefferson County, however, that somehow most of America was missing the point. In each case there was national consternation and alarm, coupled with talk about "sick minds" and "sick society". In the recent Atlanta tragedies there were even discussions about the "decay of Atlanta" and the breakdown of one of America's fastest growing and most progressive cities of the 1960s and 1970s.

It is painfully apparent that there is nothing particularly unique or aberrant about Atlanta, or Chicago, or Houston. Through our efforts as a Task Force and a community, we are now convinced that there is indeed a national epidemic of child tragedies, and that absent immediate and decisive national action, and strong and coordinated involvement by many units of government and many agencies, the tragedies of Atlanta, Chicago, and Houston will be repeated.

In his announcement of the creation of the Task Force, Judge Mc Connell stated

"In recent years, America has begun to address the phenomenon of runaway children and the tremendous mobility of young people. We must also address the vulnerability of these young people and the ease with which they become the victims of criminal intent. I am serving notice today that we will make every effort to ensure that John Gacy tragedies don't happen

here, and that those who would exploit our young people for profit will be identified and swiftly prosecuted."

We are very pleased with an opportunity to discuss with you what we did, what the results have been, and to make some recommendations to you regarding Congressional action and federal involvement.

Task Force Report

The Jefferson County Task Force on Child Prostitution and Pornography has been a unique, intergovernmental and across the system effort, involving the Jefferson County Department for Human Services, the Jefferson County Police Department, the Louisville Division of Police, the Commonwealth's Attorney for Jefferson County, the Jefferson County Attorney, the Federal Bureau of Investigation, the Kentucky State Police, the United States Post Office/Postal Inspection Service, the University of Louisville, the Jefferson County Office of Intergovernmental Affairs, the Louisville/Jefferson County Criminal Justice Commission, in addition to many other agencies and organizations across the community which have become involved because of their concern about treatment needs, community protection, etc.

This cooperative approach began with the conviction that modern youth were particularly vulnerable. Larger numbers of juveniles run away from home each year, they are becoming more mobile, they spend more time on the streets, becoming "street wise" earlier, and are increasingly forced to survive on the streets. This "child liberation" which is a product of societal change and evolution generally, has a devastating by-product, which is the increased vulnerability of young people to various kinds of exploitation and made them more likely targets for adult exploiters and violent criminals.

Increasing openness regarding homosexual activity has created in our community and in most communities a market for young, male "street hustlers", serving the needs of cruising homosexuals purely for economic reasons. This "chicken hawk" phenomenon occurring across America lends itself dramatically to the John Gacys.

The Task Force identified as a contributing cause to child tragedies the poor communication and information sharing between the various agencies of the criminal and juvenile justice systems. The demands upon law enforcement are many and are increasing. Resource limitations make it virtually

impossible to investigate every missing person report or runaway. Therefore, victimized or exploited children are in many cases simply not identified. Further, the presence of a 12 or 13 year old boy or girl, or indeed even younger, in the same area at 1:00 a.m. every morning may not even be considered particularly unique.

Child tragedies are made possible because there are holes or gaps in the system. Law enforcement and social services within the same community may not even be aware of each others existence, let alone share information, work together and fill the gaps. Between communities the information sharing is even worse. How many known child exploiters move from one community to another in virtual anonymity and security?

We have even identified in Jefferson County evidence of the recruitment of young girls out of group homes and runaway shelters for prostitution purposes. Clearly new and different informational networks were necessary, and a willingness of various professionals to rethink their roles as they relate to kids was mandatory.

Fortunately, the agencies participating in the Task Force saw these needs. Information sharing, interagency and intergovernmental cooperation, and role redefinition have been outstanding. Similarly, we sincerely believe that the impact upon the problem has been enormous. Let us cite some highlights of Task Force work to date:

(1) Public Awareness - The Task Force viewed as an immediate need the sensitizing of the public to this shadowy problem involving "hidden victims". An intensive public awareness/public education campaign was launched with over two thousand posters distributed across the community and indeed around the state. Distribution was accomplished through city and county neighborhood organizations, as well as personal distribution accomplished by members of the Task Force and employees of Task Force agencies.

24 Hour Information Line - A 24 Hour number was established (502-588-2199), which is housed and manned in the office of the city/county Criminal Justice Commission by the Jefferson County Department for Human Services, Exploited Child Unit. Since its inception 59 calls have been received which were subject to investigation and follow up, roughly half of which have resulted in fact finding efforts.

(2) Exploited Child Unit - In July of 1980, the Exploited Child Unit was established as an arm of the county Department for Human Services, but housed in the Criminal Justice Commission office in order that it might work closely and in tandem with law enforcement agencies. The ECU, which is managed by John Rabun, an investigative social worker, with long background in child prostitution and child exploitation case investigations, exists to detect and investigate cases of youth in Jefferson County who are at risk of being or actually are endangered by adults in prostitution/ pornography and to assist the appropriate law enforcement agency in its criminal investigation of such adult sexual exploitation of children.

The exploited child unit now includes three investigative social workers, and has played a major role in training and coordination community wide. Meetings with school system counselors, pupil personnel officials, various community groups and organizations, have broadened the scope and impact of the Task Force effort.

(3) The Police/Social Work Team - Perhaps the cornerstone of the entire effort is the development of a team including the ECU social workers, city police youth officers, and county police intelligence officers . The Police/Social Work Team works out of a neutral setting, the Criminal Justice Commission, and works diligently to close those previously discussed "system gaps". We have found that it is possible to preserve the professional integrity of each while generating a level of cooperation and teamwork which truly protect kids.

Tremendous credit must go to Lt. John Aubrey, former Youth Bureau Commander of the Louisville Division of Police, Lt. Gerald Beavers, present Youth Bureau Commander of the Louisville Division of Police, Captain James Black, Commander of Jefferson County Police Intelligence, and those officers who have been assigned to the unit, Det. Bob Hain, Louisville Division of Police, Det. Gary Smith, JCPD Intelligence, Det. Rick Dillman, LDP, Det. Bill Lottie, JCPD, and Det. Mike Simpson, JCPD. Their cooperation, and their willingness to work with social services has produced dramatic results. Further, law enforcement at all levels has gained impressive

new skills in child interrogation and investigation. We have learned that "kid cases" are indeed different, and that they cannot be treated as if the child is a small statured adult.

Further, as you will note when we present some prosecutorial highlights, we have had excellent cooperation from other law enforcement agencies as well. Several cases have involved inter-state issues, in which the Federal Bureau of Investigation, through its offices in Louisville and in Southern Indiana, has been very helpful and effective. The Kentucky State Police has been involved and has been sensitive to the transportation of children for purposes of exploitation intrastate, and we have worked closely with the United States Postal Inspection Service regarding child pornography and its involvement with the mails.

(4) Information/Intelligence - The Task Force/ECU effort has resulted in dramatic increases in information referrals and attention given to child victimization problems. By illustration since the establishment of the ECU, and the implementation of the Police/Social Work Team, the number of case referrals has doubled each month. In sixteen months, the ECU report shows

750 Informational Leads Received

526 Children's Cases Opened (70% of Total)

510 ECU Cases Closed (97% of Total Children's Cases Opened)

117 Unfounded (23% of ECU Cases Closed)

176 Not Proven but receiving continuing monitoring (34% of ECU Cases Closed)

218 Substantiated by ECU and referred to appropriate law enforcement agency(s) (43% of ECU Cases Closed)

16 ECU Cases Open (3% of Total)

224 Purely Intelligence/Information Leads (30% of Total)

Of the 750 informational leads, 210 (28%) came from law enforcement agencies; 238 (32%) came from other DHS programs; 59 (8%) came from the Information Line; 151(20%) were developed by the ECU; and 92 (12%) came from other agencies throughout the region.

(5) Case Prosecutions - As a result of the cooperative law enforcement effort, aggressive social work, and a close liaison with prosecution, particularly the Jefferson County Commonwealth's Attorney David L. Armstrong and his Assistant Dee Pregliasco, we have made a strong start in identifying and prosecuting child exploiters. To date highlights are as follows:

(A) In 1980, two men living in Kentucky were prosecuted in U.S. District Court in Southern Indiana following their arrest on behalf of two children living in Kentucky. One girl was a 13 year old runaway for five days and the other was a 14 year old who had been missing from a foster home in Frankfort, KY for two years. Both girls had been transported from Kentucky to Indiana to work as prostitutes at various truck stops. With the cooperation of the Southern Indiana office of the FBI, the men were charged and convicted. The U.S. District Court sentenced each man for 5 years on guilty pleas. Subsequently, the Jefferson Circuit Court in Kentucky sentenced each man to an additional five years on various sex offenses involved with the case.

(B) In 1980, one man and one woman were prosecuted in U.S. District Court for the Western District of Kentucky following their arrest on behalf of one child who had been a runaway for only a few hours from a juvenile home in mid New York State. This 14 year old girl was brought to Louisville, taught/trained to be a bar girl and prostitute, and placed by the couple at a night club where prostitution flourished. The U.S. District Court sentenced both the man and the woman to terms of five years each after the jury found them guilty. In this case the law enforcement effort involved strong cooperation between various agencies, including the Louisville office of the FBI.

(C) After a six month investigation in 1981, a local clergyman was arrested and indicted on multiple sex crimes charges involving child prostitution and pornography and approximately a dozen boys, ages 12-16. Trial is set for January, 1982.

(D) In 1981, after a five month investigation involving 15 boys in Kentucky and Southern Indiana, a local businessman was arrested and indicted by the Clark County, Indiana Circuit Court on multiple sex crimes charges involving child prostitution and pornography. The charges include allegations that the defendant took various boys with him to Missouri, Florida, Ohio, Washington D.C. and Mexico. Trial is set for early 1982.

(E) In late 1980, after a four month investigation involving four young girls and numerous women, a housewife was arrested, indicted and convicted on charges of sexual abuse of minors as a parent, promoting

the prostitution of minors, and unlawful transaction with minors in District Court in Jefferson County, KY. This mother had promoted her own child into prostitution in Louisville and Fort Knox, KY. She was sentenced to two one year terms on these Class A Misdemeanors. It is significant to note in this case that she had been promoting prostitution for at least 10 years, and that felony charges could have been utilized if in earlier cases convictions had been obtained and the record made. However, this had not occurred. This emphasizes the importances of building criminal records in these kinds of cases, even with misdemeanors.

(F) In 1981, after a three month investigation involving eleven young boys and a number of other men, a local man was arrested, indicted and plead guilty to numerous counts of sex crimes with minors and child pornography. The Kentucky Circuit Court in Jefferson County sentenced him to fifteen years in prison.

There have been a number of other cases of importance. Currently, a number of major investigations are under way involving the use of many young girls in five states by one pimp who uses truck stops on the interstate highway system and large brothels in major urban centers for placement of these girls into prostitution.

(6) Research/ Information Gathering - One of the priority concerns of the Task Force has been identifying the "hidden victims", learning about the system of child exploitation, and developing a data base for further system programs and efforts. Among the information gathering techniques have been specialized action projects conducted in conjunction with the Louisville Police Fifth District and the Jefferson County Police Intelligence Unit. Through these efforts a team of individuals from Task Force agencies in cooperation with the Fifth District police identified suspected "street hustlers", made informational stops on "Johns", and assessed the nature, scope, and methods of operation of girl/boy prostitution and pornography.

We are particularly enthused about the work of the Task Force Research Consortium. Headed by Professor Ron Holmes of the School of Justice Administration at the University of Louisville, Criminal Justice Commission Director of Research Mike Bewley, and Professor J. Kerry Rice of the Kent School of Social Work at the University of Louisville, the Consortium has begun an

impressive data development process. To date, through the interviews of 190 children by the E.C.U., Task Force research efforts have indicated the following set of indicators for other law enforcement and social service personnel in the Louisville area to use in interviewing children to detect and identify child victims of prostitution/pornography.

Girls/boys who are exploited as prostitutes may be expected to be of normal intelligence, 11-16 years of age, from a blue collar background, with a high degree of racial prejudice in the family. Eighty percent will be from a single parent family with the mother divorced and dating/remarried and working. 94% indicate drug usage with 30% demonstrating drug dependency (daily use). 90% are runaways and only 18% indicate a close/"warm" family setting. 53% indicate a hostile/rejecting/"throw-away" relationship by parents. 17% became involved in some form of child pornography. The age of first sexual intercourse for these children was 12 with the greatest frequency between 10 and 13 (lowest was 6). Only 2% ever used shelter house facilities for runaways (national norm suggests 5%). Various interview schedules indicated up to 90% had been the victims of child physical abuse by parents, and up to 50% had been the victims of child sexual abuse by parents (data taken from local and national research). The vast majority of girl prostitutes have a pimp/business agent/boy friend, where most of the boy prostitutes and "self employed" runaways seeking to survive on the streets seem to operate relatively independently.

At the close of this testimony we have attached a more complete discussion with numbers of our research effort so far. We anticipate a continuing effort to build information and a data base which should be of significant value in future planning and programming.

Regarding adult exploiters, the sample is far less and the conclusions drawn are less objectively based. However, to date there is reason to believe that adult pedophiles in the Louisville area tend to be white males, 40-60 years old, living in relatively upper income type homes, who are or have been married, generally tend to have from 2 to 4 children, and are making in excess of $35,000 per year. They tend to be college educated and most are professional persons.

There are other areas of activity which are receiving strong attention such as legislation with the Kentucky General Assembly's 1982 Session beginning in January. In addition a statewide social service information/referral network is now organized and functioning.

In summary the progress made has been considerable in more fully detecting and identifying child victims and adult sources of child prostitution and pornography. The ECU orientation and training of various social services and school staffs is increasing the numbers of referrals and accordingly, the number of serious law enforcement cases being investigated and prosecuted is on the increase.

The Task Force believes that in future months the activities undertaken will have even greater impact.

What Have We Learned?

In the twenty months of the Task Force operations, we have come a long way, particularly in understanding the complexity and magnitude of the child victimization problem. Certainly, we have made major strides in beginning to control the problem and to make less likely that child tragedies of the magnitude of Atlanta will happen in Louisville and Jefferson County. However, as important has been our growing knowledge and understanding of the problem.

(1) We have learned that the criminal and juvenile justice systems can and will work together. In the beginning we were warned about the turf disputes, the unwillingness of police to share information with social workers and work with social workers, and vice versa, and about the inability of different political jurisdictions to work as a team focused upon a particular problem.

Through incredible good faith and a willingness to participate as a team to solve a problem, we have overcome the concerns. The police departments actually assigned their personnel to the police/social work team, where they worked in tandem with all of the other parties to the Task Force in a neutral setting. Police and Social Workers make runs together, interview children together, and within the limits of law and professional ethics, share information and join in actions for the best interests of the child.

These actions often entail that a police officer will act in ways in which he would not ordinarily act if he were operating as an individual. It has also taken social workers slightly beyond the realm of traditional social work. However, the nature of the problem and the vulnerability of the children, requires atypical approaches and innovative techniques.

(2) The focus of the unit is that the child is victim. All of our efforts have been oriented toward protecting children. However, it is frequently apparent that many of the "street kids" are not innocent, vulnerable victims but rather are perpetrators in their own right. We have discovered major overlaps with other criminal activity, and in fact, have found that in many cases it is difficult to precisely identify which of the parties is exploiter and which is exploited.

Certainly, it is apparent that there are dramatic intelligence benefits to enforcement and prosecutorial agencies from working these cases. While it must be a constant source of concern that units such as ours not "pimp" kids in a different way, we have increasingly become aware that many of the street kids know everything about what is happening on the streets, intelligence which can be of major benefit to law enforcement.

Another question has been "do exploited children graduate to more sophisticated criminality?" Detective Lloyd H. Martin, of the Sexually Exploited Child Unit of the Los Angeles Police Department said "When a child has been coerced or seduced into giving his only true possession - his body - he loses his self respect and his morality. If he doesn't care about himself, how can he care about somebody else? Such a child could be destroyed psychologically and may never be a productive member of our society".

Sgt. Martin has also observed that "..the sexually exploited child of today has a good possibility of becoming the hardcore criminal of tomorrow."

In testimony before the California Legislature, Dr. A. Nicholas Groth, Director of the Sex Offender Program at the Connecticut Correctional Institution observed that "more than half the child molesters I have worked with as adults attempted or committed their first sexual offenses by the age of 16" and that "the majority of child molesters were themselves sexually abused as children".

Further, research around the United States, specifically including

Kentucky and Connecticut seems to demonstrate that the vast majority of violent sex offenders (rapists, sex murderers, etc.) and child molesters have themselves been the victims as children of child physical abuse and/or child sexual abuse.

It has been the premise of the Task Force and the ECU that if we are to curb this cycle of violence, social work/police teams and task forces must aggressively seek to find child victims early and vigorously prosecute the adult offenders. The prevention of violent sex crimes to children as well as adults largely is tied to the detection and exposure of those offending adults to insure public accountability.

(3) We have discovered that while there is a certain spontaneity about the involvement of street kids and runaways in prostitution; i.e. when you are hungry and need to survive on the streets, the options may be few, there is also ample evidence of networks and organization in child prostitution and pornography. Task Force cases continually produce child prostitutes who know each other, who tend to service overlapping clientele, adults who may make referrals to each other, as well as exchange photographs and information.

An apparent by product of this "networking", and the type of adult who tends to frequent the areas in which child sex flourishes (i.e. professional, prominent, affluent, with family, etc.) is the growth of extortion as a spin off. This further demonstrates the potential for child victimization, murder and other violence.

(4) We have discovered that treatment and follow up for identified child prostitutes/exploited children generally is very difficult. While there are many excellent models nationally of community based treatment centers and shelters, unfortunately the data is not ample on success stories. In this community our priority has been identification of the adult exploiters along with the protection of the child. Ultimately the child must be prepared to cope with the environment from which he or she escaped and to avoid the environment in which he or she was exploited.

The national reduction of resources for social services and local assistance at this particular time complicates the follow up. Government must increasingly enlist private sector assistance and involvement.

(5) Finally, we have discovered that a chief cause of child tragedies is the inability of government to recognize a problem and to respond.

Our contacts with units of government from coast to coast dramatically make three points:

(A) Governmental awareness of problems or potential problems is minimal.

(B) Governmental coordination and information sharing is virtually non-existent.

(C) Federal involvement, assistance and coordination is similarly for all intents and purposes non-existent.

Recommendations

We endorse with enthusiasm the effort by Senator Hawkins and you to provide a federal role in the tracking of missing persons and runaways.

We recommend the establishment of a national intelligence network for the exchange of information on the exploitation and victimization of juveniles. It is no longer acceptable that the John Gacys should serve time in one state, move to another state and victimize others without law enforcement agencies being fully aware and alerted.

We recommend the targeting of some modest amount of your already limited federal assistance for creative research and limited program money which could be used for establishing special units, strike forces, etc.

We recommend the undertaking of an extensive program of public education and perhaps the establishment of a national 800 type "Hot Line" for information regarding the exploitation of youth.

We have recommended to various national agencies for almost two years the convening of a national symposium on the victimization of juveniles which would bring together representatives of law enforcement, social services, research/academia, media and government for the purposes of examining the problem and developing a cooperative national strategy for protecting kids. I am delighted to report to you that such a symposium will in fact occur, thanks to the sponsorship of the U.S. Department of Justice/Community Relations Service, the National Conference of Christians and Jews, the National Coalition on Children's Justice, the Alpha Phi Alpha Fraternity, Inc., and the Louisville/Jefferson County Criminal Justice Commission. Attendees will include Dr. George Gallup, Jr., who is presently performing a national survey of citizen attitudes on child

victimization, Kenneth Wooden, author of Weeping in the Playtime of Others, leading law enforcement officials involved in the field, social services and research professionals, concerned community leaders, parents of victimized children, including Julie Pats of New York, Camille Bell of Atlanta, John Walsh of Hollywood, Florida, and Rosemary Kohm of Santa Claus, Indiana, and many others. We encourage you to join with us in this effort, and hope that you can come to Louisville, November 29 - December 2 for the symposium, which will be entitled "Child Tragedies: A National Symposium on Exploited and Victimized Children".

Finally, and pertaining to the issue of federal role, jurisdiction and involvement, we recommend that the Congress and the President take a hard and long look at expanding federal role and jurisdiction in child victim cases. Specifically, the recent report of the Attorney General's Task Force on Violent Crime recommended that United States Attorneys play a coordinative role in convening local and regional justice system officials to discuss areas of concern and to facilitate cooperative efforts. What more appropriate area for U.S. Attorney attention than child victimizations?

We have witnessed in the past a reluctance on the part of federal officials and agencies to even get involved in child cases. We have proven in this community that the FBI can and will play a strong and significant role, and in the face of tragedy in Atlanta, there was apparently a similar effort. However, there must be national attention and national commitment to this area, and in our judgement a mandate from the leadership of the federal government.

On March 17, 1981 I wrote to the Vice President of the United States to commend him for his efforts regarding the missing and murdered children in Atlanta. I indicated that "your visible and active role has been nationally reassuring and has provided the sort of leadership and symbolism which offers great hope, not only for the present tragedy but for improved inter-governmental relations in many other areas."

However, I added that "I urge you to view your present leadership role on the issue of victimized kids as just a beginning...I urge you to take quick and decisive action to truly address the national implications of Atlanta. Your administration can make the protection of kids a national

priority and can make the recent carnage in American cities less likely."

Without a concerted, coordinated national effort, the continuing and inevitable victimization of kids will grow to epidemic proportions. We, in Jefferson County, are proud of the start which we have made. However, much more needs to be done. Perhaps, in the wake of Atlanta and Chicago and Houston and Vancouver and "Everywhere USA", we can be moved to action.

Mr. Chairman and members of the Subcommittee, we urge you to make the protection of kids a national priority.

Background for Research

Approximately six years ago, probation officers of the Jefferson County (Louisville, KY) Department for Human Services became aware of their teenage clients both female and male being actively recruited into prostitution. At that time, these probation officers had gathered factual data on some fifty-eight teenagers. That data provided a profile which included:

1. Most of the juveniles were identified as endangered runaways.
2. Most of these teenagers were 12-16 years of age.
3. The majority were white girls from blue collar, single parent families.
4. Most of these children had come from backgrounds of child and sexual abuse.
5. Most of the juveniles sold drugs while they were involved in prostitution.
6. Some of the teenagers were involved in pornography.

From this profile, the probation officers convinced the staff of the Louisville-Jefferson County Criminal Justice Commission that a potential teenage prostitution problem existed in the community. Therefore, the LJCCJC decided to further develop a profile of the victimized children.

To accomplish this task, the research director of the Criminal Justice Commission with the aid of the probation officers and a social work professor from the University of Louisville developed an open-ended interview schedule. The schedule was administered to thirty-two children who were expected to be involved in prostitution and/or pornography. The following data were collected:

	#	%
Number of females interviewed	27	84
Number of males interviewed	5	16
TOTAL	32	100%
Number of black females	13	48
Number of white females	14	52
TOTAL	27	100%
Number of white males	3	60
Number of black males	2	40
TOTAL	5	100%

Median age of black female: 16

Youngest age of black female: 14

Median age of white female: 16

Youngest age of white female: 13

Median age of white male: 16

Youngest age of white male: 15

Median age of black male: 16

Percentage of single parent family (black female) 93%

Percentage of single parent family (white female) 79%

Percentage of single parent family (white male) 100%

Percentage of single parent family (black male) 100%

Percentage of close family setting (black female) 46%

Percentage of close family setting (white female) 36%

Percentage indicated sexual abuse by parents (black female) 79%

Percentage indicated sexual abuse by parents (white female) 50%

Percentage indicated physical abuse by parents (black female) 38%

Percentage indicated physical abuse by parents (white female) 64%
Percentage indicated drug usage by child (black female) 95%
Percentage indicated drug usage by child (white female) 90%
Median age of first sex encounter (black female): 13
Median age of first sex encounter (white female): 13
Youngest age of first sex encounter (black female); 9
Youngest age of first sex encounter (white female): 10
Percent runaway at least once (black female): 95%
Percent runaway at least once (white female): 90%
Percent runaway at least once (white male): 90%
Percent runaway at least once (black male): 100%

Although the findings were very interesting, they were not deemed to be conclusive. The researchers knew they needed a larger sample. The basic problem with obtaining a larger sample was a problem of identification. The thirty-two children interviewed were identified through the efforts of the Exploited Child Unit which began in late 1979 consisted a team of social workers and police officers from the Louisville Division of Police and the Jefferson County Police Department. The Exploited Child Unit(ECU) was the only group with the expertise to identify potential victimized children.

That problem was eased somewhat with the formation of the Jefferson County Task Force on Child Prostitution and Pornography. The membership of the Task Force included representatives from every agency in Jefferson County that services the juvenile justice system plus federal agencies like the Federal Bureau of Investigation and the Customs Postal Service. The Task Force was a truly unique, intergovernmental effort to assess and attack the increasing problem of the sexual victimization of children.

The research effort was aided because many referrals were now coming to the ECU as a result of the efforts of the Task Force. Because of the increased number of referrals which could be interviewed, the research effort turned to the subject of this article.

The Instrument

Because of a possible larger sample, a new closed-end interview schedule was developed. It was believed the old interview format could not be easily standerized and administered to a larger sample.

The sample itself consisted of two components: one being a group of children not known to be involved in prostitution and/or pornography and a second group of victimized children. The sample size altogether was one-hundred and ninet, children. The children were interviewed in the ECU office and in Jefferson County's Department for Human Service's Group Homes. Most of the children interviewed in the Group Homes were children not known to be involved in prostitution and pornography. Likewise those interviewed at the ECU were known to be involved in the problem. The interviews were conducted in the Group Homes by a trained staff member. The interviews at the Group Homes were administered mostly when a child first entered the home. The ECU interviews were conducted by the two social worker members of the Task Force team.

Before a presentation of the results, a few caveats should be examined. The primary problem with this current research effort was a definitional problem. Because the research clients were juveniles involved in the juvenile system, these children have a very distinct culture. Therefore, certain questions on the interview schedule did not take into account these cultural differences. For example, the children had great problems with answering the parental marital status question, since many of the children interviewed actually live with someone other than their natural parents and have for a long time. The answer obtained may too be suspect.

A second problem is a common problem with interviews like the following. That problem is the unknown accuracy of the answers obtained. These streetwise children are very likely

to tell a social worker "what they think they want to hear". However, for the most part the answers received were accurate.

The Results

As mentioned, the sample consisted of comparison groups. One group of children known to be involved in prostitution and the other not involved in prostitution. The results were provided a SPSS program:

n=190

	#	%
males	105	55
females	85	45
TOTAL	190	100%

	#	%
Runaways	149	78
Non-runaways	41	22
TOTAL	190	100%

	Admitting Prostitution n=63		Non-Prostitution n=127	
Sex	#	%	#	%
Male	24	38	81	64
Female	39	62	46	36
TOTAL	63	100%	127	100%
Parents Marital Status				
Married	9	14	26	21
Separated	1	2	20	16
Divorced	30	48	46	36
Remarried	5	8	3	3
Widowed	10	16	15	12
Never-married	8	13	16	13
TOTAL	63	100%	126	100%

Child's Relationship to Parents				
Close	18	29	90	71
Aloof	11	18	19	15
Hostile	13	21	11	9
Rejecting	20	31	3	2
No answer	1	1	4	3
TOTAL	63	100%	127	100%
	#	%	#	%
Child's Family Setting				
Close	11	18	75	58
Turmoil	20	32	32	25
Physically Aggressive	7	11	8	6
Laissez Faire	25	40	11	9
No Answer	--	--	1	1
TOTAL	63	100%	127	100%
Existence of Discipline in Child's Home				
Yes	33	52	109	86
No	30	48	18	14
TOTAL	63	100%	127	100%
Is Discipline Consistent				
Yes	25	40	81	64
No	8	12	32	25
No Answer	30	48	14	11
TOTAL	63	100%	127	100%
Primary Form of Discipline				
Physical	8	13	12	9
Emotional	2	3	22	17
Social	24	38	69	54
Sexual	0	0	2	2
None	0	0	3	2
No Answer	29	46	19	15
TOTAL	63	100%	127	100%

	#	%	#	%
Child's Relationship With Brothers and Sisters				
Close	19	30	95	75
Aloof	23	37	13	10
Hostile	6	10	7	6
Rejecting	10	16	2	2
No Answer	5	8	10	8
TOTAL	63	100%	127	100%
Child's Sexual Contact with Relatives				
Yes	17	27	4	3
No	46	72	123	97
TOTAL	63	100%	127	100%
With Whom				
Father	7	11	--	--
Father Surrogate	1	2	1	1
Stepmother	2	3	--	--
Brother	1	2	2	2
Sister	3	5	--	--
Aunt	1	2	1	1
Grandfather	1	2	--	--
Grandmother	2	3	--	--
Adult Friend	1	2	21	17
No Answer	44	70	100	79
TOTAL	63	100%	127	100%
Drugs Used				
Yes	59	94	103	81
No	4	6	24	19
TOTAL	63	100%	127	100%

Kind of Drug				
Speed	32	51	38	30
Grass	22	35	57	45
Downer	3	5	2	2
LSD	1	2	5	4
Coke	1	2	0	0
Sniffing	0	0	1	1
TOTAL	55	100%	103	100%
Frequency of Drug Usage				
Daily	18	29	23	18
Weekly	34	54	46	34
Less than monthly	3	5	19	15
Monthly	4	6	15	13
TOTAL	59	100%	103	100%
Age of First Drug Use				
7 yr.	0	--	1	1
8 yr.	1	2	3	3
9 yr.	0	--	3	3
10 yr.	9	14	7	8
11 yr.	9	14	10	18
12 yr.	18	30	23	17
13 yr.	14	22	22	15
14 yr.	4	6	19	9
15 yr.	3	5	12	9
16 yr.	1	2	3	3
17 yr.	0	2	0	0
TOTAL	59	100%	103	100%

	#	%	#	%
Age of First Sexual Encounter				
5 yr.	0	--	1	1
6 yr.	1	1	3	3
7 yr.	0	--	4	3
8 yr.	1	1	4	3
9 yr.	0	--	3	3
10 yr.	6	10	2	2
11 yr.	10	16	8	6
12 yr.	17	27	20	16
13 yr.	12	19	26	21
14 yr.	8	13	26	21
15 yr.	2	3	12	9
16 yr.	3	5	1	1
TOTAL	60	100%	110	100%

Amounts Charged for Prostitution		
$ 5	3	5
10	12	17
12	1	2
15	21	36
20	18	29
25	2	3
30	1	2
40	1	2
50	1	2
65	1	2
TOTAL	61	100%

	#	%	#	%
Runaway				
Yes	54	86	95	75
No	9	14	32	25
TOTAL	63	100%	127	100%
Sex Orientation				
Heterosexual	46	73	125	98
Homosexual	11	18	1	1
Bi-sexual	3	4	--	--
Transsexual	2	3	1	1
No Answer	1	1	--	--
TOTAL	63	100%	127	100%
Admitting Pornography				
Yes	23	37	2	2
No	39	61	122	96
No Answer	1	1	3	2
TOTAL	63	100%	127	100%

Discussion

Using the SPSS program, the variables involved were analyzed. There were some relationships that did appear. For example, there seemed to be a relationship between the child's relationship to parents and prostitution. The chi-square test of significance was $x^2 = 49.9$ with five degrees of freedom. It appears that a conclusion could be made that a juvenile prostitute's family would be less close than a non-prostitutes.

Senator SPECTER. Mr. C. Edward Dobbs, chairperson of the young lawyers division, ABA, and Mr. Howard Davidson, director, National Legal Resource Center for Child Advocacy and Protection of the ABA, you gentlemen are welcome. Thank you for waiting, both young lawyers from the American Bar Association. It's nice to have you here.

Why are you two fellows not out earning a big fee this afternoon instead of being here?

STATEMENT OF C. EDWARD DOBBS, CHAIRPERSON, YOUNG LAWYERS DIVISION, AMERICAN BAR ASSOCIATION

Mr. DOBBS. We are making no money today, but it's worth the trip to come up here from Atlanta.

Mr. Chairman, the American Bar Association appreciates this opportunity to be here with you today. I know you are in a hurry. Mr. Davidson has the substantive comments,but I would like to give a little bit of a brief overview of what the ABA is doing in this area. It will take all of 30 seconds.

The young lawyers division has 150,000 members throughout the country. We represent more than 51 percent of the entire ABA.

Senator SPECTER. Am I still listed on your rolls?

Mr. DOBBS. We could arrange it, but probably not, Senator, just from general inspection, unless—I would assume you are over 36.

We have 240 State and local young lawyer's groups throughout the country, which would include, for example, the Philadelphia Bar Association, which is very active.

Senator SPECTER. I was in the young lawyers section until very recently.

Mr. DOBBS. I've got another year and then I'm out.

But as a matter of fact, as a result of one of the members of the Philadelphia Bar Association, an individual named Steve Waxman, we established our National Legal Resource Center for Child Advocacy, of which Mr. Davidson is the head and which is located here with five full-time staff attorneys.

One of the things we are excited about, and Mr. Davidson will go into, is our ability to take a project such as his, which is about a $700,000 project, and implement it for lawyers and social workers on a nationwide basis, which we successfully have done over the last 2 years in about 20 different areas throughout the country.

And with that I will turn it over to Mr. Davidson to tell you more about the specifics.

Senator SPECTER. Mr. Davidson, welcome.

STATEMENT OF HOWARD A. DAVIDSON, DIRECTOR, NATIONAL LEGAL RESOURCE CENTER FOR CHILD ADVOCACY AND PROTECTION, AMERICAN BAR ASSOCIATION

Mr. DAVIDSON. Thank you, Senator.

Let me preface my remarks by telling you a bit about my background. Prior to coming to the ABA, I worked for about 5 years at a legal services program where I represent children full time.

Senator SPECTER. Where are you located.

Mr. DAVIDSON. I was located in Boston at that time. Our project the National Legal Resource Center for Child Advocacy and Protec-

tion, is in Washington, D. C. As Mr. Dobbs indicated, the program is supported by not only the Federal Government through the National Center on Child Abuse and Neglect, but also by the U.S. Children's Bureau, a number of private foundations, and the ABA itself.

What I am speaking about today I have experienced in the courtroom, and I am also relating my experiences relative to the research we have done at the ABA in connection with this subject. We have had a child sexual abuse project for the last year and one half that has been looking at State laws and prosecutorial practices in all of the 50 States regarding child sexual abuse. We have come out with a special book on that topic, entitled "Child Sexual Abuse and the Law."

We have also been involved in all legal aspects of child abuse and neglect for about 3 years now, and have also moved the ABA to adopt official policy relating to child abuse and neglect which I would like to briefly mention.

First of all, the house of delegates, which is the official policy-making body of the ABA, speaking for the membership of the association, has passed unanimously a resolution calling for greater Federal involvement in the area of child protection, in particular an extension of the Child Abuse Prevention and Treatment Act—Public Law 93-247—and passage of the Adoption Assistance and Child Welfare Act—Public Law 96-272.

We also have a separate resolution which calls upon individual attorneys and State and local bar associations to become more actively involved in the protection of children. This is not an area, as you can imagine, that many bar groups and, quite frankly, many attorneys, have traditionally been involved in. We think that is unfortunate.

Obviously you can tell from my background that I have become invested in this field and, as Mr. Dobbs has indicated, we have had a great deal of success through ABA the young lawyers division getting State and local bars to take up the challenge of doing something for children.

Let me briefly summarize my remarks by stating, first of all, that the American Bar Association has approached the whole issue of juvenile justice in a very comprehensive manner. You may be aware that there is a 20-volume series of Juvenile Justice Standards that were developed and approved by the ABA and were the result of an 8-year project supported by the Law Enforcement Assistance Administration, the Office of Juvenile Justice Land Delinquency Prevention and a number of foundations.

There are, however, no officially approved volumes on child abuse, runaways, or child exploitation. But it is important to know that the association's standards do discuss to the need of the juvenile justice system to respond to the problems of children such as those we have been talking about today.

Specifically, in the dispositions volume of the ABA juvenile justice standards there is a very cogent statement of the need for juveniles to be given access to all services necessary for their normal growth and development.

Senator SPECTER. What does that mean?

Mr. DAVIDSON. If a child is going to go through the juvenile justice process we owe the child nothing less than the services that he or she needs to be able to adjust normally.

Senator SPECTER. David Stockman says: "we owe the child nothing." He terminates that sentence with a period ahead of yours.

Mr. DAVIDSON. I differ personally with Mr. Stockman.

Senator SPECTER. Mr. Stockman has defined the entitlements to be none.

Mr. DAVIDSON. If we are going to do something about serious crime we must begin with providing adequate services to the nonoffender youth coming into our judicial system for the first time.

Senator SPECTER. I agree with you. We do need to provide some meaningful rehabilitation, some meaningful counseling. The definition and delination of that is the toughest issue we face now and it must be done within some bounds that we can afford, given the economic climate of the day.

That is the real central issue, gentlemen, which I would appreciate your continuing thought and work on. That is what this subcommittee is directing its attention to.

Mr. DAVIDSON. Let me give you some suggestions for what I think can be done. I recognize the budget cutbacks. In my written testimony I refer to the budgetary problems the country is facing and the cutbacks in a number of human service and juvenile justice programs, of which you are all too well aware.

First of all, I think there is an opportunity now for much better coordination among federal agencies involved in this area.

For example, I understand that there is really only one program out of all of the projects that the national center has supported in which there is any kind of joint endeavor with another Federal agency, and that is a Military Family Resource Center in which the Defense Department and the National Center have joined forces.

Why can't there be a similar collaboration between the Justice Department, the Office of Juvenile Justice and Delinquency Prevention, the Youth Development Bureau, and the National Center on Child Abuse and Neglect to take a close look at the problem of sexual exploitation of children to learn more about it, and to do some things that don't necessarily cost money?

Senator SPECTER. I think we know what the problem is. The question is what are we going to do?

Mr. DAVIDSON. First of all, I think I wouldn't fairly answer that question if I didn't reiterate my feeling and the feeling on the part of many people working in this field that we simply don't know enough about the problem. For example, we've just begun to do research on child pornography and child prostitution.

The National Center on Child Abuse and Neglect, which is really the only Federal agency that focuses on victims of exploitation, has been able to award only two demonstration grants in the area of child exploitation, both $50,000 grants—a real drop in the bucket.

So, if there were researchers present today, people involved in this field, that would be one thing they would want to stress. But clearly there is also a need for demonstration activities. There is not one demonstration project related to child pornography or child prostitution that has been funded.

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Senator SPECTER. Are you talking about a demonstration project which is designed to meet the problem—is that what you are talking about?

Mr. DAVIDSON. Yes. I will give you an example, the kind of program Mr. Rabun is working on, the explorted child unit program in Louisville. They are not getting money directly through any Federal demonstration project funds. Federal agencies are going to be paying a lot of attention now to the perpetrators, to the offenders, whether they are juveniles or adults, but what about the victims of crime who are children?

About 10 months ago I wrote to the Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention, and I suggested that more attention should be given to the problems of victimized children by that Office. I cited to him 42 U.S.C. 5601, which states the finding of Congress that the juvenile court foster care and child protective programs were inadequate to meet the needs of abused and neglected children who may become delinquents.

If we take seriously the intention of Congress to do something about those predelinquent children, then we should assume that this agency is doing more in this area and is concentrating on the children who may later become violent if not provided adequate services and treatment. I call upon that agency to reexamine some of its priorities tc try to more effectively service this group.

I breifly mentioned interagency cooperation. There are two interagency task forces that I think need to pay much more attention to this problem. There is a Federal Advisory Board on Child Abuse and Neglect as well as a Coordinating Council on Juvenile Justice, and both of those organizations, if asked to by the Congress, could take a closer look at the problem of child exploitation.

Now, I know you are interested in what can be done to help the States and localities better handle this problem. First of all, we believe there is a lot of room for improvement of the laws in this area. I made available to your staff for your consideration, and also for inclusion in the record, a recent publication of ours on this subject called "Child Sexual Exploitation: Background and Legal Analysis," in which we analyze State as well as Federal statutes in this area and point out some of the problems with the laws.

We have done a similar analysis of child sexual abuse laws which has been very helpful to legislators at the State level. And we hope this new publication will be helpful as well. We are particularly interested in helping legislators adequately respond to the needs of maltreated and exploited children. There are a number of ways this can be done.

Let me give you one example. Many children who are abused or neglected come through the court system without an independent advocate. The State and local child protective agency is supposed to be providing protection and services, but they have the interests of the family as a whole, and not merely that child, to be concerned with.

We are supporting the provision of a guardian ad litem or a special court-appointed representative for all children who go through the court system. That is something that is easily achievable. It can be accomplished with fairly little money and there are a number of child advocacy groups in this country which would be pleased to re-

spond in this manner to the needs of these children in the court process.

Is it fair for a 14-year-old or a 13-year-old exploited child to go through the court system without that kind of an advocate? In Louisville, those children are lucky to have a program like the one Mr. Rabun is associated with. In other cities, children don't have that.

Senator SPECTER. Mr. Davidson, would you summarize whatever else it is you want to call to my attention at this moment, because I must adjourn shortly.

Mr. DAVIDSON. I appreciate that. Let me just close by saying we support any action that your subcommittee, the full committee and the Congress can take to protect children. We think that Senate bill 1701 is one step in that direction.

We are acutely aware of the problem of locating missing children. We have a special project on parental kidnaping focusing on that problem, and we hear from parents and their attorneys frequently concerning this issue.

We hope that you will take advantage of the opportunity to have further hearings on this matter, to ask the Justice Department and FBI to appear before you, and for them to discuss compliance with the Protection of Children Against Sexual Exploitation Act of 1977—Public Law 95-222—which was in intent an excellent law. We understand there has been very little prosecution under the Federal act and I urge you to also hear from some State and county prosecutors, as well as others, in connection with criminal prosecution against those who exploit children.

Unfortunately I believe that we have not made as much progress in this area as the Congress hoped back in 1977 when hearings were held on this subject by both the House and the Senate.

Senator SPECTER. Mr. Davidson, thank you very much, and Mr. Dobbs, thank you very much.

How long have you been practicing law, Mr. Dobbs?

Mr. DOBBS. Seven years.

Senator SPECTER. In Atlanta? Which is your law school?

Mr. DOBBS. Vanderbilt.

Senator SPECTER. How about you, Mr. Davidson?

Mr. DAVIDSON. I have been practicing since 1970, and I attended Boston College Law School.

[The prepared statements of Messrs. Dobbs and Davidson and additional material follow:]

PREPARED STATEMENT OF C. EDWARD DOBBS AND HOWARD A. DAVIDSON

Mr. Chairman and Members of the Subcommittee:

The American Bar Association appreciates the opportunity to present its views on the subject of exploitation of children. I am C. Edward Dobbs, Chairperson of the Association's Young Lawyers Division. The Division, with more than 140,000 member attorneys drawn from all fields of practice, provides assistance to over 230 state and local Young Lawyer groups throughout the country; it is the largest single membership entity within the ABA, representing more than 51% of the total Association membership.

The Division emphasizes the need for lawyers to be involved in public service work, and the legal protection of children is but one of many areas where coordinated efforts have been made by the Division to address major national issues and problems. On a state and local level, a number of bar association Young Lawyer programs have been concerned for many years with child maltreatment and juvenile justice.

With me today is Howard Davidson, Director of our Division's National Legal Resource Center for Child Advocacy and Protection. Mr. Davidson will discuss his concerns relative to the subject of exploitation of children at the conclusion of my brief remarks.

The Resource Center, located in Washington, D.C., has a staff of five full-time attorneys involved in a variety of efforts related to the legal aspects of child welfare. A project on child abuse and neglect has for three years worked closely with the National Center on Child Abuse and Neglect of the U.S. Department of Health and Human Services as well as hundreds of lawyers and child welfare professionals throughout the nation. A "Planning for Children in Foster Care Project" has been at the forefront of actions to help improve the legal and judicial system's response to children removed from their homes. Finally, a "Child Custody Project"

focuses on legal and judicial education concerning the federal Parental Kidnapping Act, the Uniform Child Custody Jurisdiction Act, and other aspects of interstate and international child custody disputes.

Mr. Davidson will now present his portion of this statement, in which he will summarize the American Bar Association's position on the legal protection of children and his own views on the subject of child exploitation.

* * *

I am Howard Davidson, Director of the National Legal Resource Center for Child Advocacy and Protection. The Resource Center was established in October, 1978 pursuant to a grant from the National Center on Child Abuse and Neglect. This support has since been supplemented with funds from the U.S. Children's Bureau and a number of private foundations. The Resource Center is guided in its work by a distinguished national advisory board, as well as by the Young Lawyers Division and the ABA Public Services Group. Prior to coming to the Resource Center, I worked for over five years as a lawyer representing children, through the juvenile programs of Greater Boston Legal Services. My experiences involved the representation of a number of children considered to be "exploited."

My remarks today are based on my experiences as a child advocate, the research I have conducted relative to the legal aspects of child pornography and prostitution, the products of our special "Child Sexual Abuse Project," including the book, Child Sexual Abuse and the Law, our intensive work in the general area of child abuse and neglect, and most importantly, official ABA policy on the subject of the protection of children.

Prior to my arrival at the ABA, the Association's House of Delegates, in February, 1978, adopted a general resolution supporting federal, state, and local efforts to combat family violence and protect its victims. The victims of such violence

are, of course, frequently children, and many who flee their homes for their own safety or are "throwaways," unwanted by their parents, become highly vulnerable targets of adult exploiters. Although this 1978 resolution spoke in general terms of domestic assaults, a more specific resolution relating to children was approved by the ABA's House of Delegates in August, 1980.

It urged increased government efforts related to child abuse and neglect, extension of the Child Abuse Prevention and Treatment Act, and passage of the Federal Child Welfare Act as part of a comprehensive plan to assure adequate national attention to and funding for the legal protection of children. Finally, this past August, the ABA's House of Delegates approved unanimously a resolution calling for attorneys and local organizations to become more active in helping improve the handling of cases related to child protection. A copy of this last resolution is appended to this statement.

As you may know, the American Bar Association also approved in 1980 a set of twenty volumes of Juvenile Justice Standards. Although standards on child abuse, runaways, and child exploitation were not among them, the twenty volumes represent a major review of juvenile law and a set of criteria and procedures for structuring the administration of juvenile justice. Specifically, I would like to make reference to the Dispositions volume, which states that "juveniles adjudicated delinquent should have access to all services necessary for their normal growth and development" (§4.1). Since many exploited children live on the streets of America's cities and are forced to commit delinquent acts by their exploiters, this "right to services" provision becomes central to their protection. Too often in my career as a juvenile defense advocate, judges were told that welfare or youth services agencies had "nothing to offer" the 15 year-old prostitute to keep her from selling her body.

I am sure you know that adolescent services are frequently cited by child advocates as inadequate. Reductions in the Juvenile Justice Act, Runaway Youth Act, Child Welfare Act, Child Abuse Prevention and Treatment Act, and Title XX program funding will make it even less likely that abused and neglected adolescents and sexually exploited children will receive adequate help from either the child protective, youth services, or juvenile justice system. Moreover, with juvenile justice programs at the federal and state level mandated to concentrate more on "violent offenders," strong political leadership and effective advocacy for adequate budget appropriations will be necessary to target aid for exploited children. Good child protective laws are simply not enough.

I have been asked to comment on the link between child maltreatment and subsequent acts of delinquency, as this link relates to exploitation of children. The empirical data, as contained in a 1980 report of the National Institute for Juvenile Justice and Delinquency Prevention (A Preliminary National Assessment of Child Abuse and Neglect and the Juvenile Justice System: The Shadows of Distress), does suggest that there is indeed a significant interrelationship. It is also well known that many abused, neglected, and exploited children are mislabeled as delinquents or status offenders, thus depriving them of the protective services of the state.

However, I do not want to suggest that inadequate services are the only problems affecting an appropriate response by government to the needs of exploited youth. For example, the federal Child Sexual Exploitation Act fails to address the problems experienced by the victimized child. That Act, Public Law 95-225 (18 U.S.C. §2251 et seq.) contains no specific funding authorization for child victim assistance programs. Although the Congress did for the first time, in FY 1980, appropriate $4 million for "sexual abuse" programs under the Child Abuse Prevention and Treatment Act, most of this money went to the states and private providers for

training and treatment related to sexual assault or "incest." Only two small research grants and no demonstration projects related to the sexual use of children for commercial purposes were funded under that Act. Although the Child Abuse Prevention and Treatment Act has been reauthorized in Title VI of the Omnibus Budget Reconciliation Act of 198. (P.L. 97-35), there is no longer any special authorization for sexual abuse or exploitation programs.

The National Center on Child Abuse and Neglect, which administers the Act's programs, is the only federal agency which focuses expertise and funding on the victims of child maltreatment. However, its budget constraints force it to deal almost exclusively with intra-family abuse and neglect. Given proper resources, I believe that this agency has the potential to help us learn much more about the problems of exploited children. I urge you to provide additional and specific funding for this agency in order to address the needs of this group of children.

State child protective laws are also in need of improvement in this area. Although state statutes dealing with some forms of child abuse and neglect have increased dramatically in the past decade, statutes related to sexual exploitation have simply not kept up with this pace. Laws regarding mandatory reporting responsibilities, the required responses of child protective service agencies, and child abuse program authorizations need to be re-examined to see how they can better serve child victims of commercial sexual exploitation.

Indeed, only nine states include "sexual exploitation" within the definition of abuse and neglect under their mandatory reporting laws. Only about half of the states have specific offenses related to child prostitution, including severe penalties for causing or abetting the prostitution of a minor. Even fewer states have specific criminal sanctions against parents who permit their children to become involved in prostitution.

The Association hopes that this hearing will help to focus new attention both within the federal government and the states on the exploitation of children. We support new laws which will protect minors from participation in the production of pornography as well as prostitution. We also strongly urge that they be drafted, so as to assure appropriate assistance to children who have been victimized by such activities. Finally, we believe, as a deterrent to such activities, that federal and state law enforcement officials should more aggressively utilize the stringent criminal child sexual exploitation statutes which have been enacted throughout the country since 1977.

Without these efforts, more hearings like the one today in the state legislatures, and the special earmarking of funds to combat the incidence and effects of sexual exploitation, I regret to say that this subject is never likely to be adequately addressed by the states. For this is a highly controversial topic, and one which people are generally uncomfortable dealing with.

Much of the information that we have gathered on this subject to date is contained in a new Resource Center monograph, entitled, Child Sexual Exploitation - Background and Legal Analysis, copies of which are being made available to the Subcommittee today.

We want to thank the Chairman, the Subcommittee, and the Subcommittee staff for permitting us to express these views. The Association, the Young Lawyers Division, and our Resource Center will continue to explore the legal ramifications of this subject, and we stand ready to assist the Subcommittee in actions which will help provide new protections to these highly vulnerable children.

(APPENDIX)

AMERICAN BAR ASSOCIATION
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RESOLUTION OF THE HOUSE OF DELEGATES
OF THE
AMERICAN BAR ASSOCIATION
ADOPTED AUGUST, 1981

BE IT RESOLVED, that the American Bar Association encourages individual attorneys and state and local bar organizations to work more actively to improve the handling of cases involving abused and neglected children as well as children in foster care. Specifically, attorneys should form appropriate committees and groups within the bar to help develop better state legislation, court rules, and administrative regulations related to all stages of these proceedings; should participate in multidisciplinary teams and other community activities in which they can interact with members of other concerned professional groups; and should work to assure quality legal representation for children, parents and child welfare agencies.

The recent passage of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) highlights the need to improve state law concerning intervention on behalf of abused and neglected children.[4] Supported by the American Bar Association in an August, 1980 resolution of its House of Delegates, the Act includes a comprehensive package of systemic reforms designed to prevent the unnecessary and unnecessarily prolonged placement of children in foster care. The reforms required by the Act should not only improve the handling of dependency and neglect cases by child welfare agencies, but also juvenile court and administrative proceedings.

State legislative changes are required because many state statutes still incorporate previous federal requirements and do not include the reforms required by the Act. Further, more than technical compliance with the new changes is needed. Because the Act incorporates broad system reforms, and because many of its requirements are flexible, a thorough review of relevant state law is called for to assure a cohesive incorporation of the spirit of the reforms required by the Act. Active involvement of the bar in the process of legislative reform is therefore needed to assure that new state legislation embodies the reforms included in the Act, establishes sufficient procedural protection for children and parents, and establishes an appropriate role for attorneys and the courts in implementing the reforms.

The American Bar Association has demonstrated continuing commitment in this area through its support of the National Legal Resource Center for Child Advocacy and Protection, a program of the Young Lawyers Division which has as its primary focus the improvement of the legal process related to these proceedings.

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[1] "Neglect and dependency" proceedings include child abuse and neglect cases and other juvenile court (and ancillary) actions related to these cases, including termination of parental rights.

[2] Institute of Judicial Administration/American Bar Association, Joint Commission on Juvenile Justice Standards, Standards Relating to Counsel for Private Parties (1980), §2.3(b).

[3] Bross, Donald C., "Multi-Disciplinary Child Protection Teams and Effective Legal Management of Abuse and Neglect," in Protecting Children Through the Legal System, ABA National Institute Manual, National Legal Resource Center for Child Advocacy and Protection/National Association of Counsel for Children (June, 1981) at 506.

[4] The Act was responsive to a variety of studies critical of the previous federal role in the foster care system.

REPORT *

This resolution is prompted by two recent developments related to child neglect and dependency cases:[1] The United States Supreme Court decision in Lassiter v. Department of Social Services ___U.S.___ (Decided June 1, 1981) and the enactment of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

In the Lassiter case, the Supreme Court held that the Constitution does not always require the appointment of counsel for indigent parents in every judicial proceeding to terminate parental rights, but that courts must decide on a case by case basis whether appointed counsel is constitutionally required.

The American Bar Association has concluded that the profound interests of all parties in the outcome of neglect and dependency proceedings and the possibility of error in these cases requires that qualified counsel always be available at all stages of the proceedings.[2] Without adequate legal representation for all parties in these cases, the flow of complete and accurate information to the court is impaired. The result may be children left in dangerous living situations, unnecessarily separated from their families, unnecessarily spending their childhood without benefit of a stable home, or unnecessarily losing all contact with their natural parents.

The legal profession can help assure that parties are represented in these cases by supporting legislation to that effect at the state level. Such legislation should provide for a level of compensation for representation which is commensurate with both the difficulty and time involved. At present, there are many states in which statutory changes in these areas are needed. In addition, attorneys can work at the state and local level to establish better education, training, and standards for practice to assure that counsel are adequately prepared for an area of legal work which is extremely complex and subtle.

Many states and communities have child protection teams, councils and committees in which social workers, physicians, and mental health professionals participate in individual case planning and child welfare system improvement. It is important for attorneys to be involved with these groups in order to assure that "the entire protective service process is informed by legal judgement, increasing the chances that 'good preventive law' and ethical practice in the area of child protection will occur."[3] Further, the educational efforts of the bar in this area can be enhanced by collaboration with other professionals involved with these matters.

*This report was submitted to the ABA House of Delegates along with the proposed resolution. Although the Report is included here for informational purposes, only the approved resolution is the official policy of the Association.

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CHILD SEXUAL EXPLOITATION
BACKGROUND AND LEGAL ANALYSIS

The National Legal Resource
Center for Child Advocacy
and Protection

American Bar Association

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PREFACE

This monograph is one of a series of publications developed by the National Legal Resource Center for Child Advocacy and Protection as part of its Child Sexual Abuse Project. The Resource Center, a program of the American Bar Association's Young Lawyers Division, has received funding from the National Center on Child Abuse and Neglect to produce materials on the legal, statutory, and programmatic aspects of child sexual abuse. These materials have included Child Sexual Abuse - Legal Issues and Approaches, an introductory guide to these complex issues; Child Sexual Abuse and the Law, a comprehensive book containing an analysis of state criminal child sex offense and incest statutes, other related laws, and legal issues related to proof of sexual abuse; and the forthcoming Innovations in the Prosecution of Child Sexual Abuse, a report on innovative approaches in the legal system's handling of these cases.

I would like to express appreciation to several people without whom this monograph, the Resource Center's first on sexual exploitation, would not have been possible. First, for the initial research and first draft of this publication, I want to thank Daniel Nash, a student at the University of California - Hastings School of Law and Summer, 1981 intern at the Resource Center. Dan was also the author of a condensed version of this monograph, entitled "Legal Issues Related to Child Pornography," which appeared in the Summer, 1981 issue of the Resource Center's newsletter, Legal Response: Child Advocacy and Protection.

Second, I would like to thank Resource Center intern Mary Startzman and research assistant Jane Hammitt for their help in further research and writing, as well as preparation of the charts and bibliography. I also appreciate the assistance of Ann Wolbert Burgess, Kee MacFarlane, and Robert Horowitz who reviewed drafts of this monograph. Finally, I want to express deep gratitude to Attorney Josephine Bulkley, the director of the Resource Center's Child Sexual Abuse Project. This project's success is really due to Jo's hard work, careful scholarship, and sensitivity to the issues concerning sexually abused children.

As with all Resource Center publications, we welcome your comments which will assist us in making appropriate revisions for future printings of this monograph.

Howard A. Davidson, Esq.
Director,
National Legal
Resource Center for
Child Advocacy and
Protection, American
Bar Association

I. INTRODUCTION

The past five years have seen increased public and professional concern about an insidious form of child abuse--the exploitation of children for sexual stimulation and commercial gain. Media attention to the problem by the Chicago Tribune,[1] Time Magazine[2] and the CBS television program "60 Minutes,"[3] among others, have produced graphic and alarming reports about a situation too disturbing to fully comprehend. Additionally, Congressional hearings on the subject, culminating in new federal legislation, have given the problem national attention.[4]

Children are being sexually exploited throughout the country in a variety of ways. Most commonly, they are used as prostitutes or models for the production of pornographic photographs and films. This is distinguishable from another serious and related problem--sexual abuse of children by parents and guardians. Sexual exploitation usually involves a commercial element: children selling themselves or being sold as prostitutes or models. Sexual abuse, on the other hand, is generally perpetrated by an adult the child knows, most often by a parent, guardian or a person with authority over the child, and generally has no commercial element. While the two problems are interrelated (i.e., parents who sexually abuse their children may also exploit them commercially), this monograph will be concerned only with sexual exploitation.[5]

Child pornography, also known as "kiddie porn," is generally defined as films, photographs, magazines, books and motion pictures which depict children in sexually explicit acts, both heterosexual and homosexual.[6] Production, distribution and sale of child pornography is a secretive business, making a determination of its full extent extremely difficult. Estimates of the number of children involved range from the thousands to the hundreds of thousands.[7] The statistics cannot be accurately verified and the facts and figures vary, but one thing is clear: a significant number of children are being sexually exploited throughout the country.

The availability of child pornography is a good indicator of its nature and scope. A relatively obscure and unusual product as late as the 1960's, child pornography has become increasingly popular. In 1977, there were at least 260 different monthly magazines published in the United States with such names as "Torrid Tots," "Night Boys," "Lolita," "Boys Who Love Boys," and "Children Love."[8]

Congress has concluded that child pornography and child prostitution have become highly organized industries that operate on a nationwide scale.[9] It has been estimated that these enterprises may gross a half-billion to a billion dollars a year.[10] To date, police have uncovered production centers in Los Angeles, New York, Chicago and several other large

cities.[11] But production is by no means limited to these areas. Police have also discovered child pornography and prostitution operations in suburban and rural communities.[12] Moreover, since such photographs or films can be taken in private homes, discovery of their production is very difficult.

Child pornography is a lucrative business; the costs of sexually exploiting children are minimal and the profits enormous. A magazine that retails for $7.50 to $12.50 per copy can be produced for as little as 35 to 50 cents. Similarly, a cheap home movie camera can be used to produce films that sell thousands of copies for $75 to $200 each.[13] These prices are considerably higher than for similar materials featuring adult pornography.

A. Child Pornography and Child Prostitution

Several authorities have found a close relationship between child pornography and child prostitution.[14] Frequently, a person hiring a child prostitute will also film their activities. These films are then reproduced and sold to distributors.

There have also been cases where child pornography and prostitution operations have been organized into "sex rings."[15] For example, a Tennessee minister who operated a home for wayward boys encouraged the boys to engage in orgies. He then filmed them with hidden cameras and sold the films. Also, he arranged for "sponsors" to come to the home and have sex with the boys.[16]

However, child pornography is generally a "cottage industry," with production occurring surreptitiously in private homes and motel rooms. Consequently, combatting the problem and protecting the children can be very difficult.

B. Profile of People Who Sexually Exploit Children

The rapid growth of child pornography reveals a demand for the material by people who are stimulated by sexual activity with children. They are known as "pedophiles"--people who are predisposed to sexually use children or who turn to them as a result of conflicts or problems in their adult relationships. Some have organized and become vocal about what they believe is their right to sexual fulfillment. For example, the Rene Guyon Society in California purports to have 5,000 members who claim to have each deflowered a child under eight. Their motto: "sex by eight or it is too late."[17] In May, 1977, the first meeting of the International Pedophilic Information Exchange was held in Wales.[18] It advocates a change in the laws to permit sex between adults and "consenting" children, although such permission is a legal impossibility since children are not capable of consenting.

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The pedophile's sexual access to children is gained by either pressuring the child into sexual activity through enticement, encouragement, or instruction, or by forcing such activity through threat, intimidation, or physical duress. However, pedophiles usually seek to control children rather than injure them.

The research of Dr. Nicholas Groth, Ann Wolbert Burgess, and their colleagues forms an essential basis for understanding the phenomenon of pedophilia.[19] Reports on their observations and clinical experiences have helped separate myths from realities concerning those adults who sexually victimize children.[20] They have found that pedophiles are not "dirty old men" but are rather at the younger end of the age spectrum. Many may commit their first pedophilic offense while in their teens. Generally, they are neither retarded nor psychotic.

Surprisingly, pedophiles frequently have adult outlets for sexual gratification. Many are married, and many have on-going sexual relationships with adults at the same time that they are carrying on sexual activity with children. It is also commonly believed that child sex offenders are often violent and that children are usually physically injured by the offenders. This is rarely the case. Few incidents of sexual abuse are marked by excessive force or brutality. Nor do most offenders become increasingly violent over time. Indeed, most offenses involve activity in which there is no physical contact (e.g., indecent exposure) or which stops short of penetration.

Although it is commonly believed that children are at greater risk of sexual victimization from homosexual adults than from heterosexuals, this is not true. Dr. Groth's research not only found females victimized almost twice as often as male children, but where child sex offenders had a predominant sexual orientation toward adults, they largely led exclusively heterosexual lives. Another myth is that pedophiles are often alcohol or drug-addicted. Not only is this false, but their sexual behavior is likely to be highly repetitive, often to the point of compulsion, rather than the product of a temporary lapse of judgment while in a state of intoxication.

C. Profile of the Exploited Child

Child pornographers have little difficulty recruiting youngsters. Typically, the victims are runaways who come to the city with little or no money. A recent U.S. Senate Committee report estimates that between 700,000 to one million children run away from home each year.[21] Adult exploiters pick them up at bus stations, hamburger stands and street corners and offer them money, gifts or drugs for sexual favors.

However, not all exploited children are runaways. Many seem to live normal lives with their families. Frequently, they are children who have been abused at home or come from broken homes or live with parents who simply don't care about their activities. The Senate Committee Report suggested the following characteristics as typical of a sexually exploited boy:

- Between the ages of 8 and 17
- An under achiever in school or at home
- Usually without previous homosexual experience
- Came from a home where the parents were absent either physically or psychologically
- Had no strong moral or religious obligations
- Usually had no record of previous delinquency
- Suffered from poor sociological development.[22]

Often the parents are unaware of what their children are doing, but there have been cases where parents have sold their own children for sexual purposes.

The effects of sexual exploitation on children are devastating. Many children suffer physical harm as a result of the premature and inappropriate sexual demands placed on them. Perhaps more serious is the disruption of emotional development. Although the psychological problems experienced by children who are sexually exploited have not been extensively studied, there is ample evidence that such involvement is harmful. One recent study suggests that children who are used to produce pornography suffer harmful effects similar to those experienced by incest victims.[23] Such effects may include depression, guilt and psychologically induced somatic disorders.[24] Often, these children grow up to lead a life of drugs and prostitution.[25] More tragically, children who are sexually abused are more likely to abuse their own children.[26]

D. The Need for Effective Child Sexual Exploitation Laws

In the past four years, Congress and the state legislatures have played a crucial role in the fight against the rapidly growing problem of child pornography and child prostitution. Prior to 1977 there were few laws, either federal or state, addressing the sexual exploitation of children. Today, virtually all states and the federal government have enacted laws which specifically deal with the problem.[27]

The flurry of legislative activity resulted from a belief that the existing laws used to prosecute child exploiters did not adequately protect children from these activities. On the federal level, the general obscenity statutes prohibited the mailing,[28] importation[29] and interstate transportation[30] of obscene materials. While these statutes cover all forms of legally "obscene" pornography, they do not differentiate between material depicting adults and material depicting children. Furthermore, they do not specifically prohibit the production of child pornography. Also, it was generally the practice of the federal authorities to investigate only large manufacturers and distributors. Combined with the fact that much of the business of child pornography was conducted through interstate commerce and the mails, Congress determined that specific legislation was needed.[31]

Several types of state statutes have indirectly addressed child sexual exploitation prior to enactment of the new legislation. These include: 1) sex offense statutes; 2) child abuse laws; 3) contributing to the delinquency of a minor laws; 4) child labor laws; and 5) obscenity statutes. However, even though these laws address the problem in one form or another, many state legislators found them to be inadequate for reasons discussed below.

1. Sex Offense statutes

All states have sex offense statutes which prohibit certain sexual acts such as incest, sexual intercourse and other forms of sexual contact between adults and minors.[32] These laws have several limitations in their application to child sexual exploitation. First, while they may outlaw the actual production of child pornography, they do not apply to its distribution and sale. Second, sex offense statutes generally do not address situations where a child is forced to pose alone or is depicted with other children; they apply only when the child is abused by an adult.[33] Finally, these laws present problems of proof: usually, the abused children are difficult to identify and locate. In the event that they are found, the victimized children are often poor witnesses; many are too young, frightened or emotionally attached to the perpetrator.

2. Child Abuse laws

Child abuse laws may also be used in response to child sexual exploitation, but they also have certain limitations. Most child abuse laws cover only parents, legal guardians, or persons in loco parentis. Considering that many children are exploited by strangers, these laws are clearly inadequate. Also, these statutes focus on the "fitness" of the child's parents and the responsibility of the state to intervene on

behalf of the child allegedly receiving inadequate parental care. They are not designed to deter all categories of child pornographers. Moreover, while child abuse laws may in some cases apply to the production of child pornography (i.e., if a parent uses or permits his or her child to be used for the purpose of producing child pornography), they do not specifically cover its distribution and sale.

3. Contributing to the Delinquency of a Minor laws

Statutes which make it an offense to "contribute towards the delinquency of a minor" may also be used to prosecute exploiters of children. However, they may only be applied to persons who use children for prostitution or for the production of pornography. They can not be used to prosecute distributors and sellers of child pornography who have no direct contact with the exploited children. Perhaps more importantly, they usually provide weak criminal sanctions.

4. Child Labor laws

In an attempt to curb child pornography, child labor laws have been amended in several jurisdictions. These amended statutes are diverse; they target different aspects of the problem and impose varying degrees of punishment. Because no one statute deals comprehensively with all facets of child pornography, their ability to combat the problem is severly hampered. For example, California Labor Code § 1309.5 imposes a recordkeeping requirement for persons engaged in activities related to the sale and production of child pornography. Its scope is therefore limited to retailers and distributors of the finished product, and it does not pertain to those persons in direct contact with the exploited minor. Conversely, Idaho Code § 44-1306 is a general proscription against all theatrical employment of children which is dangerous to their life and limb or which is for "any obscene, indecent or immoral purposes." However, it does not address itself to those who sell and distribute a finished printed or filmed product. Failure to comply with both statutes is only a misdemeanor. A further example of a state child labor law aimed at eradicating child pornography is Massachusetts Gen. Laws Ann. ch. 149 § 104A, which makes it a felony to employ or hire a minor to pose nude or to participate in sexual conduct for purposes of visual productions. Massachusetts, like Idaho, focuses upon the person who actually employs the child.

The federal child labor law, 29 U.S.C. §212, is a general proscription against any oppressive child labor, which could be construed to include minors employed for pornographic purposes. It also is limited, however, by the fact that its provisions only pertain to producers, manufacturers, dealers and employers, and not to those persons who enlist the services of the minor outside of an employment relationship.

5. Obscenity statutes

Obscenity statutes proscribe the production and distribution of visual and printed material which is legally obscene. While most child pornography is generally considered obscene[34] and falls within the purview of these laws, they still have several weaknesses. First, obscenity statutes have generally failed to differentiate between pornography involving adults and material depicting children, although this has changed with the advent of the new laws.[35] The traditional obscenity laws have never underscored a concern for this particularly offensive form of pornography. Second, the obscenity laws apply only to material which is determined to be legally obscene. More importantly, these laws are aimed at the finished product and not at the actual harm done to the child in the process of production. The production of pornography can be harmful to the child without the finished product being considered legally "obscene."

II. NEW LEGISLATION

A. Federal Statutes

Serious legislative attention to the problem began in 1978 when Congress enacted the Protection of Children Against Sexual Exploitation Act (Public Law 95-225, 18 U.S.C.§§2251-53). This law, a result of extensive hearings in both the House and Senate, extended the federal government's authority to prosecute both the producers and distributors of child pornography. In addition, the law prohibited the transportation of children across state lines for the purpose of sexual exploitation.

Signed into law by President Carter in February, 1978, 18 U.S.C §2251 now provides punishment for persons who use, employ or persuade minors (defined as any person under 16) to become involved in the production of visual or print material which depicts sexually explicit conduct, if the producer knows or has reason to know that the material will be transported in interstate or foreign commerce, or mailed. Punishment is also specifically provided for parents, legal guardians, or other persons having custody or control of minors who knowingly permit a minor to participate in the production of such material. Distributors of the material are also covered, as Section 2252 prohibits the shipping or receiving, for the purpose of distribution, of "obscene" child pornography through interstate or foreign commerce or the mails. Finally, the new law amends the Mann Act (18 U.S.C. §2423) to extend protection to males who are transported across state lines for the purpose of prostitution and additionally prohibits the causing of a minor to engage in sexual conduct for commercial exploitation. Previously the Mann Act only prohibited the transportation of females for use in prostitution.

The sanctions provided by the new law are stiff. Both production and distribution carry penalties of imprisonment up to ten years and fines up to $10,000. In addition, the maximum penalties are increased to 15 years imprisonment and $15,000 for subsequent offenses.

Drafting Public Law 95-225 proved to be a difficult task. Sexual exploitation of children presents legislators both on the federal and state levels with two distinct but interrelated problems: 1) the use of children in the production of pornography; and 2) the distribution and sale of the material. While the most disturbing part of the problem is the actual use of the children, it is obvious that the industry could not flourish without the various distributors and retailers, who are said to retain as much as 70% of the profits.[36] Given that producers can rarely be found or identified, Congress believed that effective legislation must prohibit both the production and sale of child pornography, and it accordingly included separate provisions making each aspect illegal.

Child pornography, like child abuse, is generally a state concern. However, based on the federal government's constitutional power to legislate under both the commerce and the postal power clauses, Congress was able to exert significant control over trafficking and production of child pornography. Furthermore, given the gravity of the problem and the lack of resources to combat it on the local level, it is apparent that the legislative reform movement in this area arose primarily from a desire on the part of the local law enforcemtnt officials to obtain federal assistance and the resources of federal law enforcement agencies. As the legislative history of the new federal law states:

> We perceived a need to not supplant or discourage state and local response to those practices, but to respond in the areas where the states turned to the federal government for assistance.[37]

B. State Laws

The states have responded, and with a fervor equal to that of the federal government. Prior to 1977, only two states had laws which prohibited the use of children in obscene materials or performances.[38] Today, 48 states have enacted statutes which specifically deal with the problem.[39]

State legislative approaches to the problem vary, but generally address both the production and distribution of child pornographic materials. One common approach has been to amend the existing obscenity statutes by including penalties for both the use of children in the production of obscene materials, and for its distribution or sale.[40]

A few states have dealt innovatively with this problem. For example, Idaho has included provisions in its child labor laws which prohibit the employment of children in productions which depict sexual conduct.[41] Other states have amended their child abuse laws to include provisions which prohibit using or permitting a child to perform in a sexually explicit act.[42] Some have even gone beyond the traditional notion that child abuse laws apply only to the parents or guardians of a child. For example, Hawaii describes the distribution of child pornography as "promoting child abuse."[43]

Most commonly, however, the states have followed the lead of the federal government and have created separate offenses within their criminal codes which specifically outlaw child sexual exploitation.[44] These laws are similar to the obscenity laws, but many omit the requirement that the material be obscene. Instead, they prohibit using or permitting children to be filmed or photographed in specifically defined sexual acts. Additionally, they generally prohibit the distribution and sale of such materials.

The vast majority of these new criminal offenses are felonies.[45] Prison terms vary, but are set around ten years in most states and range from one year to life imprisonment in others. Fines also vary, the most common being about $10,000 , but ranging from $1,000 to $50,000. A few states consider the crime a misdemeanor and provide penalities of less than one year and $1,000.

III. THE "OBSCENITY" ISSUE

The Supreme Court has long held that obscenity does not enjoy protection under the First Amendment's freedmon of speech and expression provisions.[46] Consequently, there is little question that the state may criminally prosecute the producers and distributors of obscene child pornography. But what about materials which do not meet the legal definition of obscenity?[47] Can they be regulated?

In answering this question many legislators have distinguished producers from distributors. With respect to the latter, Congress and many state legislative bodies have opted for an obscenity requirement.[48] This reaction follows the response of the United States Justice Department to a proposed amendment of the original federal act which would have eliminated obscenity conditions. The Department commented that a motion picture like "The Exorcist," which contains a scene where a minor simulates masturbation but which, taken as a whole, "is clearly not obscene," could no longer be distributed even though the scene is merely a small part of the film. The letter continued, "[t]his would be a clear statement of public policy by the Congress which would undoubtedly create severe problems for the courts, particularly in situations where the offensive material is a small part of what is otherwise a socially acceptable product."[49]

In short, unbridled regulation on distribution was viewed as constitutionally suspect, since it would affect non-obscene, socially permitted materials. Producers, however, have faired differently.[50] The federal statute and most state laws do not contain an obscenity requirement for restricting the production of child pornography. Unlike distribution, the production provisions address the actual making of the illegal material. This activity gives way to a constitutional bypass of the obscenity issue. Production involves elements of conduct. Admittedly, First Amendment protections encompass a wide array of activities (e.g., strikes); however, when traditional speech is entwined with elements of non-speech, the scope of this protection may diminish if the state has a substantial interest in regulating the non-speech or conduct elements. As the United States Supreme Court has stated:

> We cannot accept the view that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea.[51]

With respect to the production of materials depicting children in sexually explicit conduct, the state, under its parens patriae duties to protect the health and morals of its minor citizens, can, akin to its child abuse and neglect intervention authority, regulate such production regardless of the legal obscenity requirement.

Although the Supreme Court has never ruled on this issue, it is analogous to the facts raised in Prince v. Massachusetts, 321 U.S. 158 (1944). There, the Supreme Court sustained the conviction of a nine-year old girl's guardian, a member of the Jehovah Witnesses, for violating the state's child labor law by permitting the girl to sell the sect's religious tracts on the streets of Boston. Although the guardian argued that the conviction violated her First Amendment freedom of religion guarantee, the state's interest in protecting the minor, as identified in the child labor law, prevailed.

The states are divided in their treatment of the obscenity issue.[52] Almost half have distribution clauses which follow Congress' lead and require that material which depicts children in sexual conduct be legally obscene. Fewer require that obscenity standards also apply to producers. The rest omit any mention of obscenity for either class of offender.

This last grouping, statutes where no obscenity requirement exists, meet the favor of two groups: prosecutors and those who believe that the products of child sexual exploitation are obscene per se. The former group vociferously opposes obscenity requirements, as they raise a difficult element of proof and are viewed as a hinderance to effective

enforcement of the law.[53] This is particularly true of those who look upon these laws as a form of child abuse legislation, placing the emphasis upon the protection of children and not the suppression of obscene materials.[54]

The suppression of "obscene" materials is not the only permissible exception to the First Amendment; other infringements on protected expression have been allowed. Most important for our concern is the case of Ginsberg v. New York, 390 U.S. 629 (1968), where the Supreme Court upheld a statute banning the distribution of "girlie magazines" to children, even though access to the magazines by adults could not be prohibited, as the magazines were not legally obscene. Whether the Court will create a new exception to the First Amendment by allowing a prohibition against the distribution of nonobscene materials depicting children remains to be seen. The few existing lower court decisions thus far have refused to recognize such an exception.

A. Graham v. Hill

In Graham v. Hill, 447 F. Supp. 584 (W.D. Tex. 1978), the appellant challenged the constitutionality of Texas Penal Code Section 43.25, which made it a felony for a person commercially to possess, exhibit, distribute or sell any motion picture or photograph showing a person younger than 17 observing or engaging in sexual conduct. In striking down the statute, the Federal District Court noted that the Texas law failed to require the material proscribed to be obscene, and concluded that:

> the statute clearly is overbroad, and, that its deterrent effects on protected conduct is both real and substantial, especially considering the severe sanctions for violation of the statute.[55]

Thus it appears the Court was more concerned with the precision and clarity with which the statute was drafted, rather than taking an absolute stance that such statutes must require that the proscribed material be obscene.

B. People v. Ferber

People v. Ferber, 52 N.Y. 2d 674 (1981), is a more recent and controversial case than Graham. It presents a troublesome set of facts and illustrates the difficulty encountered by prosecutors in litigating these cases.

The appellant, the owner of a Manhattan bookstore, sold two films to an undercover police officer. Both films showed naked boys, some as young as eight years old, engaged in solo and mutual masterbation. The appellant was indicted for 1)

Promoting an Obscene Sexual Performance by a Child (N.Y. Penal Law §263.10); and 2) Promoting a Sexual Performance by a Child (§263.15). The jury, after viewing both films, acquitted the appellant of the obscenity charges, but found him guilty of Promoting a Sexual Performance by a Child. On appeal, the N.Y. Court of Appeals held that Section 263.15 violated the First Amendment and dismissed the indictment. The Court stated:

> We merely hold that those who present plays, films and books portraying adolescents cannot be singled out for punishment simply because they deal with adolescent sex in a realistic but nonobscene manner.[57]

This decision may not, however, have settled the issue, as it is currently being appealed to the U. S. Supreme Court (Petition for Writ of Certiorari No. 81-55). But the case does illustrate the difficulty of using obscenity laws to prevent exploitation of children. The Miller standard of obscenity, with its requirement that proscribed material be judged by "contemporary community standards, taken as a whole," allows for a variety of interpretations. However, it does not seem to allow a legal prohibition of sexually explicit material based merely on whether a child is actually being harmed in its production.

In an amicus curiae brief filed with the U.S. Supreme Court in this case, Covenant House, a New York City private program which operates a children's crisis shelter in the Times Square area of Manhattan, has raised several important additional arguments for the validation of Section 263.15. It suggests that the First Amendment guarantees of free expression do not protect the non-consensual invasion of children's privacy through public display of their engagement in sexual activities. It further states that the promotion of such activities, through distribution of child pornography, is part of a course of conduct illegal from its inception and thus subject to criminal penalities.

IV. ANALYSIS OF STATE CRIMINAL STATUTES

The criminal offense of child sexual exploitation involves several issues requiring detailed analysis. Most important are: 1) the class of offenders covered by the statute; 2) the definition of proscribed sexual conduct; and 3) the type of performances and visual materials prohibited. In addition, many statutes have varying definitions of the age of minority and special provisions to aid prosecutors in gathering evidence, while other states have a requirement that the child sexual exploitation must be for "commercial gain."

A. Class of Offenders

Generally, the various state statutes impose criminal liability on any or all of four different categories of offenders. Drawing from the descripton of offenders provided under the new federal law,[58] they include:

1) Producers - any person who employs or uses any minor to engage in, or assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

2) Coercers - any person who persuades, induces, entices, or coerces any minor to engage in, or assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

3) Distributors - any person who sells, loans, gives, distributes, transports or receives material with knowledge that it depicts minors engaged in sexually explicit conduct.

4) Parents - any parent, legal guardian or person having custody or control of a minor who knowingly permits such minor to engage in, or assists any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print material depicting such conduct.

All of the sexual exploitation laws impose criminal liability on producers.[59] Coercing a child to participate in the production of material depicting sexually explicit conduct has been outlawed in a majority of states.[60] A significant number of state laws specifically include parents as possible offenders,[61] although many other states describe

offenders in a more general sense as "any person who knowingly permits (sexual exploitation of a child)," which could be construed to include parents.[62] Finally, a majority of states follow the federal law in specifically imposing criminal culpability on the distributors of child pornography.[63]

Currently, eleven states have comprehensive laws which specifically cover all four classes of offenders.[64] Combined with the states that include people who "permit" children to be sexually exploited, almost half of the state child sexual exploitation laws can be considered comprehensive in terms of offenders.

It is important to stress that while all child sexual exploitation laws prohibit production of child pornography, not all ban its distribution. As previously noted, child sexual exploitation cannot be successfully combatted unless both the production and distribution of child pornography is prohibited. Accordingly, it has been urged that these states amend their statutes to include distributors as a class of offenders.[65]

B. Prohibited Sexual Conduct

All child sexual exploitation statutes prohibit the depiction of children engaged in certain forms of sexually explicit conduct. The majority of state laws actually provide a definition of the illegal "sexual conduct." An example of a detailed definition can be found in Section 2253 of the new federal law, which defines "sexually explicit conduct" as actual or simulated -

A) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex;
B) bestiality;
C) masturbation;
D) sado-masochistic abuse (for the purpose of sexual stimulation); or
E) lewd exhibition of the genitals or pubic area of any person.

Many of the states have defined sexual conduct similarly to the federal statute. In fact, a number of states have adopted definitions which are virtually identical.[66] Others include variations such as "erotic fondling" and "passive sexual involvement." The depiction of a naked child is prohibited in several states; however, there is usually a requirement that the nudity be depicted for the purpose of sexual gratification or stimulation of any person who might view such depiction.[67]

A further constitutional limitation in drafting sexual exploitation statutes is the requirement that the language used in defining the proscribed sexual conduct is not vague or overbroad. This problem is more evident where a state seeks to outlaw the distribution of child pornography without requiring that it be obscene. The United States Supreme Court has held as a general rule that a criminal statute which would reach both protected expression and obscenity is void on its face for overbreadth. See e.g., Erzonzik v. City of Jacksonville, 390 U.S. 629 (1968). Therefore, a statute which prohibits the depiction of children engaged in any sexual conduct without requiring that the conduct be obscene, or specifically defining exactly what conduct is prohibited, may be struck down as overbroad. For example, the term "sexual conduct" in such a statute could be construed to include two children hugging or kissing each other, activity obviously not intended to be prohibited by child pornography laws. Accordingly, defining the proscribed sexual conduct should be done with care and specificity, focusing on conduct which is harmful to the child.[68]

C. Type of Production Prohibited

Statutes which regulate child pornography must describe the type of production prohibited. Most laws prohibit the production of any "visual or print medium" which depicts children in prohibited sexual conduct. Visual or print medium as defined by the federal law means "any film, photograph, negative, slide, book, magazine, or other visual or print medium."[69]

Children can also be sexually exploited by their use in live performances. Consequently, a majority of states also prohibit the production of live performances which depict children engaged in prohibited sexual conduct.[70] While the use of children in such performances is certainly not as pervasive as other forms of child pornography, these states have found the situation serious enough to afford children this protection. The use of children in live sexual performances is not prohibited by the federal law, except where the children are transported across state lines for use in such shows.[71]

D. Victim's Age

Child pornography statutes generally prohibit the exploitation of children below the age of majority, but the upper age limit ranges from 16 to 18.[72] Twenty one states only protect minors under 16,[73] four states protect those under 17,[74] and 22 states set the age at 18 years.[75] In addition, a few states define a child as one who "appears prepubescent."[76] This latter category, while helpful to prosecutors in overcoming their burden of proof, appears vague and may be unconstitutionally broad.

E. Evidentiary Problems

Prosecutors face several evidentiary obstacles in child sexual exploitation cases. Among them is the prosecutor's burden of proving that the child was actually a minor at the time of the offense. This is particularly difficult in child pornography cases because the identity and location of the child depicted are usually unknown. To overcome this obstacle, the use of expert testimony to establish the child's age has been allowed in some states.[77] Also, several states permit the jury to make a subjective judgment regarding the age of the child without the aid of expert testimony.[78] Others have established a rebuttable presumption that a child appearing in pornography is under the age of majority.[79]

Several states have included other provisions within their new laws which assist prosecutors in gathering evidence. The California statute, for example, has a provision which requires adult bookstores to keep detailed records of all transactions from wholesalers and distributors of sexual material involving children.[80] Failure to keep these records is a misdemeanor. Louisiana has a provision stating that possession of three or more items of child pornography is prima facie evidence of intent to sell or distribute.[81]

V. CHILD PROSTITUTION LAWS

Virtually all of the new child sexual exploitation laws focus solely on pornography. Yet, as already noted, the use of children for sexual purposes is not limited to pornography; children are also commonly exploited by their use in prostitution. In fact, many children engage in prostitution before becoming involved in pornography. Thus, child prostitution, while often a forerunner, may be a more serious problem than child pornography.

More than half of the states have separate offenses for child prostitution under their general prostitution statutes.[82] Under these laws, it is usually illegal to cause or abet the prostitution of a minor.[83] Some states specifically provide punishment for parents and guardians who permit their child to engage in prostitution.[84] Others prohibit the solicitation of a minor for this purpose.[85] As stated earlier, the federal law specifically outlaws the transportation of any minor in interstate or foreign commerce for the purpose of prostitution.[86] Encouraging child prostitution is generally a higher degree offense than for adult prostitution, with correspondingly greater penalties, and it is often included within the same provision as the offense of inducing the prostitution of any person by use of force.[87]

Some child prostitution laws appear to be out of date. A few outlaw the prostitution of only female minors.[88] This is similar to the situation found by Congress before it amended the Mann Act (18 U.S.C. §2423) to include males as well as females. As previously noted, the prostitution of boys is often just as or more common than female prostitution. Accordingly, these statutes should be amended to prohibit the encouragement of the prostitution of any minor.

It is important to note that while virtually all states have banned child pornography, only about half of the states have specific offenses relating to child prostitution. Even fewer states have criminal sanctions against parents who permit their children to become involved in prostitution.

VI. LEGAL PROTECTION OF THE VICTIMIZED CHILD

Few child sexual exploitation laws address the problems experienced by the victimized child. All states have child abuse and neglect laws which require people who come into contact with children (e.g., teachers, doctors, social workers, police officers, etc.) to report suspected child abuse to the appropriate child welfare agency or police department. However, these laws do not adequately protect victims of sexual exploitation.

Under the reporting laws, each state defines abuse and neglect, setting out the type of abuse which must be reported. Often sexual abuse is included within these definitions, but sexual abuse generally connotes only actual sexual contact between the child and the parent, guardian, or person responsible for the child. "Sexual abuse," as defined (if at all) in state laws, usually does not include photographing or filming children engaged in sexually explicit behavior.

To fill this gap, states have been encouraged to include sexual exploitation (clearly defined) as a type of abuse which must be reported. Proposed rules issued by the U.S. Department of Health and Human Services on May 27, 1980 suggested that for states to be eligible for funds under the Child Abuse Prevention and Treatment Act, the statutory definition of child abuse in their manadatory reporting law would have to include sexual exploitation. These proposed rules defined sexual exploitation as:

> allowing, permitting, or encouraging a child to engage in prostitution, as defined by State law, by a person responsible for the child's welfare; and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by State law, by a person responsible for the child's welfare.[89]

This proposed regulation was intended to implement changes in the original federal Child Abuse Prevention and Treatment Act[90] made necessary by 1978 amendments to the Act.[91] Neither the original language of the Act nor the current regulations governing state grants under the Act include any reference to sexual exploitation.[92] Indeed, the original regulations define child abuse merely in terms of "harm" or "threatened harm" to children and state that it is not necessary for states to adopt any particular definition of child abuse.

The 1978 amendments to the Act added "or exploitation" after the words "sexual abuse" in the definitional section. They also included a new authorization for special state grants related to sexual abuse.[93] Interestingly, "sexual abuse" was here specifically defined[94] to include, in addition to rape, molestation and incest:

> the obscene or pornographic photographing, filming, or depiction of children for commercial purposes ...prostitution, or other forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary (emphasis added).

In fact, neither the May 27, 1980 proposed regulations nor any other new regulations were ever approved. Although the Act has been re-authorized by the present Congress,[95] there is no longer a special authorization for sexual abuse programs and projects. However, the Reagan Administration may issue new child abuse regulations which make reference to sexual exploitation of children. Therefore, it is possible that there will be further federal encouragement for states to include "sexual exploitation" in their child abuse laws.

It has been recommended by Dr. Densen-Gerber that state child abuse laws be amended to include sexual exploitation.[96] However, to date, only nine states have included "sexual exploitation" within the definition of abuse and neglect under their mandatory reporting laws, statutes which help assure that child protective agencies are involved in cases of abuse and neglect.[97] An additional five states have included "exploitation" of a child, without a sexual reference, in their reporting laws.[98] These could, of course, be construed to require reporting of sexual exploitation, as could other reporting laws which merely include the term "sexual abuse" or the allowing of "the commission of any sexual act" upon a child.[99]

One possible amendment to child abuse reporting laws is to require the reporting of suspected abuse when any person, not

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just a parent or guardian, is suspected of exploiting a child. Many children are exploited by non-family members or even total strangers, but could still use help from child protective agencies. However, a caveat must be added here. Under the current child abuse reporting procedure, the reporting of suspected abuse is an intimation that the parent is at fault. While the involvement of a child in sexual exploitation may be an indication that something is amiss in the home and should be investigated, it may not necessarily mean that the parent is at fault or even aware of their child's activities. This should be kept in mind during any child welfare investigation of this nature. A family faced with this serious problem needs support, not accusations and further disruption.

In the event that the child is identified and located in a sexual exploitation case, the criminal justice system should be sensitive to difficulties encountered by the child witness. The use of an exploited child as a witness in a criminal prosecution can cause severe emotional problems for that child. He or she may be forced to relive the experience all over again, and endure the guilt and pressure imposed by a court proceeding. To prevent this, innovative techniques developed to protect sexual abuse and incest victims should be used in sexual exploitation cases as well. The system, in its zeal to prosecute the criminal, must not forget the purpose of these laws--to protect children. [For a detailed discussion of sensitive intervention techniques to protect child witnesses in such cases, see, J. Bulkley and H. Davidson, Child Sexual Abuse: Legal Issues and Approaches, National Legal Resource Center for Child Advocacy and Protection, American Bar Association (1980) pp. 10-15; and J. Bulkley, Child Sexual Abuse and the Law, National Legal Resource Center for Child Advocacy and Protection, ABA (1981).]

The new sexual exploitation laws also fail to provide for treatment of the victimized child. Programs which provide counseling and other services to treat the serious emotional, psychological and physical harm suffered by these children should be established. Federal funds have been available for these programs under the Child Abuse Prevention and Treatment Act and the Runaway Youth Act (42 U.S.C. §5701, et seq.). It is critical that the states recognize the importance of these programs and continue to provide support for their improvement.

A number of excellent programs have been developed during the past few years which provide linkages between the criminal justice system and treatment-related programs for victims and offenders in intra-family child sexual abuse cases. [See, J. Bulkley, Innovations in the Prosecution of Child Sexual Abuse, National Legal Resource Center for Child Advocacy and Protection, American Bar Association (1981).] However, programs are just beginning to emerge which focus on the needs of child victims of sexual exploitation who are identified by law enforcement agencies.

One of these is the D.H.S. Exploited Child Unit in Louisville, Kentucky, which was established as a model of cooperating service delivery organizations dealing with child prostitution and pornography. This project of the Jefferson County Task Force on Juvenile Prostitution and Child Pornography began in July, 1980, as an arm of the county's Department of Human Services. It is, however, housed in the county's Criminal Justice Commission office in order to work more closely with law enforcement agencies. The Task Force consists of representatives from the human services agency, state and local police departments, local F.B.I. and U.S. Postal Inspection Service, and the County and Commonwealth's Attorney's Office.

Following a massive public information campaign, the Task Force established a 24-hour hotline for reporting matters concerning child sexual exploitation, organized a statewide social service information/referral network and research program, and created a special Police-Social Work Team to handle these cases. Child-victims of sexual exploitation are now referred to the Exploited Child Unit which acts as a case coordinator when cases are being brought before the juvenile court. A goal of the Unit is to both assure effective coordination of the work of the various agencies involved in these cases and to obtain appropriate services for the child-victims. The Unit also provides communications liaison between the law enforcement and social services community, assists the child in the interviewing process (while assuring that his/her legal rights are protected), helps secure necessary protective custody orders from the court, and establishes a long-term relationship and rapport with the child and family so as to enable successful prosecution of the exploiter.

VII. CONCLUSION

Notwithstanding the obscenity controversy, child sexual exploitation laws appear to be working. Child pornography, which only a few years ago was readily available in most adult bookstores, is increasingly difficult to obtain. As encouraging as this news may be, there is still more which can be done to protect children from both actual exploitation and its effects.

Hopefully, the initial success experienced in combatting child sexual exploitation will not draw attention away from this serious problem. With strong legislative reform and support, the fight to protect children from this abuse will continue to thrive. States with inadequate laws should examine their statutes and adopt new, effective legislation. All states should ban both the production and distribution of child pornography. Also, all states should have separate provisions with higher penalties for persons promoting child prostitution. Most importantly, the legislatures, as well as law enforcement and child protective agencies, must now turn their attention to the victims of this form of abuse--the children.

FOOTNOTES

1. Sneed, Bliss, Moseley, et al., Child Pornography: Sickness for Sale and other articles, Chicago Tribune, May 15-17, 1977.

2. Child's Garden of Perversity, Time, April 4, 1977, p. 55.

3. Kiddie Porn, 60 Minutes, Vol. IX, No. 33, May 15, 1977.

4. Protection of Children Against Sexual Exploitation: Hearings Before the Subcomm. to Investigate Juvenile Delinquency of the Senate Comm. on the Judiciary, 95th Cong., 1st Sess. (1977) [hereinafter cited as Protection of Children]; Sexual Exploitation of Children: Hearings Before the Subcomm. on Crime of the House Comm. on the Judiciary, 95th Cong., 1st Sess. (1977); Hearings Before the Subcomm. on Select Education of the House Comm. on Education and Labor, 95th Cong., 1st Sess. (1977).

5. For a detailed analysis of the problem of sexual abuse see, e.g., J. Bulkley and H. Davidson, Child Sexual Abuse: Legal Issues and Approaches, National Legal Resource Center for Child Advocacy and Protection, American Bar Association (1980); and J. Bulkley, Child Sexual Abuse and the Law, National Legal Resource Center for Child Advocacy and Protection, ABA (1981).

6. An excellent collection of articles on child pornography may be found in L. Schultz, The Sexual Victimology of Youth, Section V, "The Child Sex Industry" (1980); See, also, Appendix (Bibliography).

FOOTNOTES (cont'd.)

7. It was estimated that between January, 1976 and June, 1977 as many as 300,000 children were subjected to sexual exploitation nationwide. Child Pornography: Outrage Starts to Stir Some Action, U.S. News, June 13, 1977, p.66; Lloyd Martin of the Los Angeles Police Department has estimated that 30,000 children are sexually exploited each year in the Los Angeles area alone. Sexual Exploitation of Children: House Judiciary Hearings, 57 (testimony of Lloyd Martin).

8. S. Rep. No. 95-438, 95th Cong., 2nd Sess. 5, reprinted in [1978] U.S. Code Cong. & Ad. News 40, 43 [hereinafter cited as Senate Report].

9. Senate Report, supra, note 8, at 42.

10. C. D. Baker, Preying on Playgrounds: The Sexploitation of Children in Pornography and Prostitution, 5 Pepperdine L. Rev. 809, 813 (1978).

11. Senate Report, supra, note 8, at 43.

12. See, R. Anson, "The Last Porno Show," in The Sexual Victimology of Youth, supra, note 6, at 275.

13. Senate Report, supra, note 8, at 44.

14. Senate Report, supra, note 8, at 44-45.

15. See, A. Burgess, The Use of Children in Pornography and Sex Rings, in Legal Response: Child Advocacy and Protection, Vol. 2, No. 4 (National Legal Resource Center for Child Advocacy and Protection, American Bar Association, Summer, 1981); and Burgess, Groth and McCausland, Child Sex Initiation Rings, 51 Am. J. Orthopsych.110 (1981).

16. Senate Report, supra, note 8, at 45.

17. J. Densen-Gerber, Child Prostitution and Child Pornography: Medical, Legal and Societal Aspects of the Commercial Exploitation of Children, in Sexual Abuse of Children: Selected Readings, National Center on Child Abuse and Neglect 78 (1980) [hereinafter cited as Child Prostitution].

FOOTNOTES (cont'd.)

18. Id.

19. A. N. Groth, Men Who Rape - The Psychology of the Offender (1979).

20. Id. at 141-164.

21. Senate Report, supra, note 8, at 45.

22. Id. at 46.

23. Schoettle, Child Exploitation: A Study of Child Pornography, 19 J. Am. Acad. Child Psych. 289 (1980).

24. See, J. Bulkley and H. Davidson, Child Sexual Abuse: Legal Issues and Approaches 3, National Legal Resource Center for Child Advocacy and Protection, American Bar Association (1980); and Summit and Kryso, Sexual Abuse of Children: A Clinical Spectrum, 48 Am. J. Orthopsych. 237 (1978).

25. Id.

26. Summit and Kyrso, supra, note 24.

27. See, Appendix (Chart of Child Sexual Exploitation Laws).

28. 18 U.S.C. §1461.

29. 18 U.S.C. §1462.

30. 18 U.S.C. §1465.

31. Senate Report, supra, note 8, at 43.

32 See, Child Sexual Abuse and the Law, supra, note 5, at 1.

FOOTNOTES (cont'd.)

33. See, Child's Garden of Perversity, supra, note 2, at 55.

34. Senate Report, supra, note 8, at 47.

35. Id. at 48.

36. Baker, supra, note 10, at 813.

37. H.Rep. No. 95-696, 95th Cong., 1st Sess. 9 (1977).

38. N. D. Cent. Code §12.1-27.1 (1976); W.Va. Code §61-80-2 (Supp. 1980).

39. See, Appendix (Chart on Child Sexual Exploitation Laws).

40. See, e.g., La. Rev. Stat. Ann. §14:81.1 (West Supp. 1978).

41. Idaho Code §44-1306 (1979).

42. See, e.g., Md. Code Ann. Art. 27, § 35A (Supp. 1980).

43. Hawaii Rev. Stat. §§707-750 to 751 (Supp. 1978).

44. See, e.g., Ariz. Rev. Stat. Ann. §13-3552 (Supp. 1980).

45. See, Appendix (Chart on Child Sexual Exploitation Laws).

46. Roth v. United States, 354 U.S. 476 (1957).

47. Over the years, courts have struggled with framing a legal definition of pornography. The most recent definition put forth by the Supreme Court is found in Miller v. California, 413 U.S. 15 (1973). Under the Miller standard, a work is obscene if: (a) the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; (b) the work

FOOTNOTES (cont'd.)

depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and (c) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

48. 18 U.S.C. §2252; See, also, Appendix (Chart on Child Sexual Exploitation Laws).

49. Protection of Children, supra, note 4, at 77.

50. 18 U.S.C. §2251; See, also, Appendix (Chart on Child Sexual Exploitation Laws).

51. U.S. v. O'Brien, 391 U.S. 367, 376 (1968).

52. See, Appendix (Chart on Child Sexual Exploitation Laws).

53. Statement of New York District Attorney Robert H. Morgenthau (May 14, 1981).

54. See, e.g., Hawaii Rev. Stat. §§707-750 to 751 (Supp. 1980).

55. 444 F. Supp. 584, 593 (1978).

56. Id. at 592.

57. 52 N.Y.2d 674, 680 (1981).

58. 18 U.S.C. §§2251, 2252.

59. See, Appendix (Chart on Child Sexual Exploitation Laws).

60. Id.

61. Id.

FOOTNOTES (cont'd.)

62. Id.

63. Id.

64. Ark., Cal., Conn., Ill., Me., N.J., N.Y., Okla., Tex., W.Va., Wis.

65. See, e.g., Protection of Children, supra ,note 4, at 333.

66. See, e.g., Ga. Code Ann. §26-9943a (Supp. 1980); Me. Rev. Stat. Ann. tit. 17 §2921 (Supp. 1980); N.M. Stat. Ann. §30-6-1 (Supp. 1980); Wis. Stat. Ann § 940.203 (1980).

67. See, e.g., N.J. Stat. Ann. §2C:24-4 (1981); Pa. Stat. Ann. tit. 18, §6312 (1981).

68. See, Protection of Children, supra note 4 at 321.

69. 18 U.S.C. §2253.

70. See, e.g., Alaska Stat. § 11.41.455 (1980).

71. 18 U.S.C. §2423.

72. See, Appendix (Chart on Child Sexual Exploitation Laws).

73. Alaska, Ark., Cal., Conn., Haw., Ill., Ind., Kan., Ky., Mo., Md., Mont., Neb., N.J., N.M., N.Y., N.C., Okla., Ore., Penn., S.D.

74. Ala., La., Mo., Tex.

75. Ariz., Colo., Del., Fla., Ga., Idaho., Iowa, Mass., Mich., Minn., Miss., Nev., N.H., N.D., Ohio, R.I., S.C., Tenn., Utah, Va., Wash., Wisc.

76. Colo., Ill., Neb.

FOOTNOTES (cont'd.)

77. See, e.g., 18 Pa. Cons. Stat. Ann. §6312(d) (1981).

78. See, e.g., Ala. Code 7-233(b) (Supp. 1980); N.Y. Penal Law §263.25 (1980).

79. N.J. Stat. Ann. §2C:24-4 (1981).

80. Cal. Labor Code §1309.5(a)-(b) (West Supp. 1980).

81. La. Rev. Stat. Ann. § 14:81.1 (Supp. 1981).

82. Ala. Alaska, Ariz., Ark., Conn., Del., Fla., Haw., Idaho., Ill., Ky., La., Me., Md., Minn., Miss., Mo., Mont., Nev., N.H., N.D., Ore., Tex., Wash., Wyo.

83. See., e.g., Ark. Stat. Ann. §41-3004(b) (1975).

84. See, e.g., Ala. Code §13-7-3 (1975).

85. See, e.g., Minn. Code Ann. §609.322 (Supp. 1981).

86. 18 U.S.C. §2423.

87. See, e.g., Alaska Stat. §11.66.110 (Supp. 1980) (prostitution in the 1st degree).

88. Ala., Code §13-7-3 (1975); D.C. Code Ann. §22-2705 (1941); Idaho. Code §18-5609 (1979) (female of "previous chaste character"); Nev. Rev. Stat. §201.360(1) (1979).

89. 45 Fed. Reg. 35796, §1340.2.

90. 42 U.S.C. §5101, et seq. (P.L. 93-247).

91. P.L. 95-266 (enacted April 24, 1978).

92. P.L. 93-247, Sec. 3; 45 C.F.R. §§1340.1 -2; 1340. 3-3(b).

FOOTNOTES (cont'd.)

93. P.L. 95-266, Sec. 5(b)(1).

94. Id., Sec. 5(b)(3)(A).

95. P.L. 97-35 (Omnibus Budget Reconciliation Act of 1981) Title VI, Chapter 7, Sec. 609, 610.

96. Child Prostitution, supra, note 17, at 80.

97. Colo. Rev. Stat §19-10-103 (Supp. 1980); Fla. §827.07(2)(d)(3)(1977); Me. Rev. Stat., tit 22, § 4002(1) (Supp. 1980); Md. Code Ann., art 27, §35A (Supp. 1980); Mich. Comp. Laws Ann. §722.622(B) (Supp. 1981); Mont. Rev. Code Ann. §41-3-102 (1979); N.H. Rev. Stat. Ann. §§169-C:3 (Supp. 1979); N.M. Stat. Ann. §32-1-3(L) (1979); Utah Code Ann. §78-3B-2 (Supp. 1979); Va. §63.1-248.2(A)(4) (Supp. 1981).

98. Ariz. Rev. Stat. §8-546(A)(2)(1974); Del. Code Ann. tit. 16§902(Supp. 1980); Kan. Stat. Ann. §38-722(A)(Supp. 1980); Ky. Rev. Stat. §199.011(6)(Supp. 1980); La. Rev. Stat. Ann. §14.403(B)(3)(Supp. 1981).

99. See, e.g., N.C. Gen. Stat. §7A-517(1) (Supp. 1979).

PUBLIC LAW 95-225 [S. 1585]: Feb. 6, 1978

PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION ACT OF 1977

An Act to amend title 18 of the United States Code relating to the sexual exploitation of children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection of Children Against Sexual Exploitation Act of 1977".

Sec. 2. (a) Title 18, United States Code, is amended by inserting immediately after chapter 109 the following:

"CHAPTER 110—SEXUAL EXPLOITATION OF CHILDREN

"Sec.
"2251. Sexual exploitation of children.
"2252. Certain activities relating to material involving the sexual exploitation of minors.
"2253. Definitions for chapter.
"2254. Jurisdiction for chapter.

"§ 2251. Sexual exploitation of children

"(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than $10,000, or imprisoned not more than 10 years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $15,000, or imprisoned not less than two years nor more than 15 years, or both.

"§ 2252. Certain activities relating to material involving the sexual exploitation of minors

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails, for the purpose of sale or distribution for sale, any obscene visual or print medium, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium depicts such conduct; or

"(2) knowingly receives for the purpose of sale or distribution for sale, or knowingly sells or distributes for sale, any obscene visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium depicts such conduct;

shall be punished as provided in subsection (b) of this section.

"(b) Any person who violates this section shall be fined not more than $10,000, or imprisoned not more than 10 years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $15,000, or imprisoned not less than two years nor more than 15 years, or both.

"§ 2253. Definitions for chapter

"For the purposes of this chapter, the term—

"(1) 'minor' means any person under the age of sixteen years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) masturbation;

"(D) sado-masochistic abuse (for the purpose of sexual stimulation); or

"(E) lewd exhibition of the genitals or pubic area of any person;

"(3) 'producing' means producing, directing, manufacturing, issuing, publishing, or advertising, for pecuniary profit; and

"(4) 'visual or print medium' means any film, photograph, negative, slide, book, magazine, or other visual or print medium.".

(b) The table of chapters for title 18, United States Code, and for part I of title 18, United States Code, are each amended by inserting immediately after the item relating to chapter 109 the following:

"110. Sexual exploitation of children.....".

Sec. 3. (a) Section 2423 of title 18, United States Code, is amended to read as follows:

"§ 2423. Transportation of minors

"(a) Any person who transports, finances in whole or part the transportation of, or otherwise causes or facilitates the movement of, any minor in interstate or foreign commerce, or within the District of Columbia or any territory or other possession of the United States, with the intent—

"(1) that such minor engage in prostitution; or

"(2) that such minor engage in prohibited sexual conduct, if such person so transporting, financing, causing, or facilitating movement knows or has reason to know that such prohibited sexual conduct will be commercially exploited by any person;

shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) As used in this section—

"(1) the term 'minor' means a person under the age of eighteen years;

"(2) the term 'prohibited sexual conduct' means—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) masturbation;

"(D) sado-masochistic abuse (for the purpose of sexual stimulation); or

"(E) lewd exhibition of the genitals or pubic area of any person; and

"(3) the term 'commercially exploited' means having as a direct or indirect goal monetary or other material gain.".

(b) The table of sections for chapter 117 of title 18, United States Code, is amended by striking out the item relating to section 2423 and inserting in lieu thereof the following:

"2423. Transportation of minors.".

Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved February 6, 1978.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 95-696 (accompanying H.R. 8939 (Comm. on the Judiciary)) and No. 95-811 (Comm. of Conference).

SENATE REPORTS: No. 95-438 (Comm. on the Judiciary) and No. 95-601 (Comm. of Conference).

CONGRESSIONAL RECORD:
Vol. 123 (1977): Oct. 10, considered and passed Senate.
Oct. 31, considered and passed House, amended, in lieu of H.R. 8939.
Nov. 4, Senate agreed to conference report.
Vol. 124 (1978): Jan. 24, House agreed to conference report.

CHART

Basic Elements of State Criminal Child Sexual Exploitation Laws (plus listing of mandatory child abuse reporting laws which specifically require reporting of "sexual exploitation" or "exploitation")

KEY

P = Producer

D = Distributor

* = Reporting Law merely uses term "exploitation" without a sexual reference

CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MAJORITY (Less Than)	CLASS OF OFFENDERS				OBSCENITY REQUIREMENT	REPORTING LAWS (Include Sexual Exploitation)	PENALTIES
		PRODUCER	COERCER	DISTRIBUTOR	PARENT			
Alabama Ala. Code §§7.156 to 7.166 (Supp 1980)	17	X		X	X	P,D		2 yrs. ≤ 20 yrs. · ≤ $10,000 (Parent permitting child) 10 yrs. ≤ Life ≤ $20,000 (Prostitution) 1 yr. ≤ 10 yrs. ≤ $5,000 (Distribution)
Alaska Alaska Stat. §11.41.455 (1978)	18	X	X					≤ 10 yrs. 4 yr. min. - 2nd offense 6 yr. min. - 3rd offense
Arizona Ariz. Rev. Stat. §§13-3551 to 3556 (1980)	18	X	X	X	"parent"		46-146 (A)(2)*	7 yrs.
Arkansas Ark. Stat. Ann. §§41-4701 to 4705 (Supp 1981)	16	X	X	X	X	X		3 yrs. ≤ 30 yrs.
California Cal. Penal Code §§311.2 to 4 (West Supp 1980)	18	X	X	X	X			2-4 yrs. 3-5 yrs.
Colorado Colo. Rev. Stat. §18-6-403 (Supp 1980)	18 or "Prepubescent"	X	X	X	"parent"		§19-10-103(1)	5 yrs. ≤ 40 yrs.
Connecticut Conn. Gen. Stat. Ann. §§ 53a-196 to b (West Supp 1979)	16	X	X	X	X	P,D		≤ 10 yrs.

CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MAJORITY (Less Than)	CLASS OF OFFENDERS				OBSCENITY REQUIREMENT	REPORTING LAWS (Include Sexual Exploitation)	PENALTIES
		PRODUCER	COERCER	DISTRIBUTOR	PARENT			
Delaware Del. Code Ann. tit. 11 §§1103 to 1109 (1979)	18	X		X			no. to police*	3 yrs. ≤ 30 yrs. (Production) 2 yrs. ≤ 20 yrs. (Distribution)
Dist. of Columbia No Sexual Exploitation Law								
Florida Fla. Stat. Ann. §847.011 (Med 1981)	18	X	X	X		X	§827.07(1)(b)	≤ 15 yrs.
Georgia Ga. Code Ann. §26-2012 (Supp 1980)	18	X	X		X			1 yr. ≤ 10 yrs. ≤ $10,000
Guam No Sexual Exploitation Law								
Hawaii Haw. Rev. Stat. §§707-750 to 756 (Supp 1980)	18	X		X				≤ 10 yrs.
Idaho Idaho Code (Cum) §§18-1505 (1977)	18	X						Misdemeanor

CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MAJORITY (Less Than)	CLASS OF OFFENDERS				OBSCENITY REQUIREMENT	REPORTING LAWS (Include Sexual Exploitation)	PENALTIES
		PRODUCER	COERCER	DISTRIBUTOR	PARENT			
Illinois Ill. Ann. Stat. Ch. 38 §11-20a (Smith-Hurd Supp. 1981)	18 or "Prepubescent"	X	X	X	X	P,D		1 yr. ≤ 3 yrs. $25,000 (Distribution) 4 yrs. ≤ 15 yrs. $50,000 (Production)
Indiana Indiana Code §35-42-4-4 (1978)	18 or "appears to be"	X		X		P,D		2 yrs. ≤ 4 yrs. ≤ $10,000
Iowa Iowa Code §728.12 (1979)	18	X	X		"parent"			≤ 10 yrs. ≤ $5,000
Kansas Kan. Stat. Ann. §21-3516 (Supp. 1979)	16	X	X				K.S.A. "22(A)"	1 yr. ≤ 5 yrs.
Kentucky Ky. Rev. Stat. §§531.300-370 (Supp. 1980)	18 or 18 (penalty varies)	X	X	X	"consents or authorizes"		§199.010(6)*	1 yr. ≤ 5 yrs. (Minor ≤ 18) 5 yrs. ≤ 10 yrs. (Minor < 16) 10 yrs. ≤ 20 yrs. (if Minor is injured)
Louisiana La. Rev. Stat. Ann. §14:81.1 (Supp. 1981)	17	X	X	X			§14:81(A)(3)*	2 yrs. ≤ 10 yrs. $10,000
Maine Me. Rev. Stat. Ann. tit. 17 §2922 (Supp. 1980)	16	X	X	X	X	P	tit. 22 §4012(1)	5 yrs. ≤ 10 yrs. 10 yrs. ≤ 20 yrs. (2nd offense)

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CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MINORITY (Less Than)	CLASS OF OFFENDERS				OBSCENITY REQUIREMENT	REPORTING LAWS (Include Sexual Exploitation)	PENALTIES
		PRODUCER	COERCER	DISTRIBUTOR	PARENT			
Maryland Md. Ann. Code art. 27 §§ 419A (Supp. 1984)	16	1	1		"permits"	2	art. 27, § 35A(b)	≤ 10 yrs. ≤ $15,000
Massachusetts Mass. Ann. Laws ch. 272 §§29 to 31 (1980)	16	1	1	1				5 yrs. ≤ 7 yrs. $5,000 ≤ $5,000
Michigan Mich. Comp. Laws Ann. §§750.145c (Supp. 1984)	18 (not Emancipated)	1	1	1			§722.675(3)	≤ 20 yrs. ≤ $20,000 (Production) ≤ 7 yrs. ≤ $10,000 (Distribution)
Minnesota Minn. Stat. Ann. §617.246 (Supp. 1984)	18	1	1	1	"permits"	2, 3		Felony (Production) Misdemeanor (Distribution)
Mississippi Miss. Code Ann. §97-5-33 (Supp. 1984)	16	1	1	1	"permits"			2 yrs. ≤ 20 yrs. $25,000 ≤ $50,000
Missouri Mo. Ann. Stat. §568.060 (1979)	17	1	1					Class D Felony
Montana Mont. Code Ann. §45-5-625 (1983)	16	1	1	1	"permits"		§41-3-202(3)	≤ 20 yrs. ≤ $10,000

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CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MAJORITY (Less Than)	CLASS OF OFFENDERS				OBSCENITY REQUIREMENT	REPORTING LAWS (Include Sexual Exploitation)	PENALTIES
		PRODUCER	COERCER	DISTRIBUTOR	PARENT			
Nebraska Neb. Rev. Stat. §§28-1463 to 1464 (Supp. 1978)	16 or "Postpubescent"	X		X		P,D		1 yr. ≤ 20 yrs. ≤ $25,000 1 yr. ≤ 50 yrs. ≤ $50,000 (2nd offense)
Nevada Rev. Stat. §200.508 (1979)	18	X	X		"parents"			1 yr. ≤ 6 yrs. ≤ $5,000
New Hampshire N.H. Rev. Stat. Ann. §§650:1 to 7 (Supp. 1979)	18	X		X	X	P,D	§§651:C I-II	Class B Felony
New Jersey N.J. Stat. Ann. §2C:24-4 (1981)	16	X	X	X	X			3 yrs. ≤ 5 yrs. 5 yrs. ≤ 10 yrs.
New Mexico N.M. Stat. Ann. §30-6-1 (Supp. 1980)	18	X	X		"parents"		§32-1-4.1	1 yr. ≤ 3 yrs. ≤ $3,000 10 yrs. ≤ 50 yrs. ≤ $10,000 (if child is harmed)
New York N.Y. Penal Law §§263.00 to .15 (1980)	18	X	X	X	X	P,D		≤ 15 yrs.
North Carolina N.C. Gen. Stat. §14-190.6 (Supp. 1979)	16	X	X	X	"parents"	P,D		Misdemeanor

CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MAJORITY (Less Than)	CLASS OF OFFENDERS				OBSCENITY REQUIREMENT	REPORTING LAWS (Includes Sexual Exploitation)	PENALTIES
		PRODUCE	SELL, ETC.	DISTRIBUTE	PARENT			
North Dakota N.D. Cent. Code §§12.1-27.1 to .4 (1976)	18	X	X		"permit"	X		≤ 5 yrs. ≤ $5,000
Ohio Ohio Rev. Code Ann. §§2907.32 - 2907.33 (Supp. 1978)	18	X	X	X	"allow"	X		6 mos. ≤ 10 yrs.
Oklahoma Okla. Stat. Ann. tit.21 §§1021.1 to .2 (Supp. 1978)	16	X	X	X	X			≤ 10 yrs. ≤ $10,000
Oregon Or. Rev. Stat. §§163.685 to .693	18	X	X	X		X		1 yrs. $2,500
Pennsylvania Pa. Stat. Ann. tit. 18 §§6312 (1983)	18	X	X	X	"permit"			≤ 10 yrs.
Puerto Rico No Sexual Exploitation Law								
Rhode Island R.I. Gen. Laws §§11-9-1 (Supp. 1980)	18	X	X	X	"permit"			≤ 10 yrs. ≤ $10,000 ≤ 15 yrs. ≤ $15,000 (Subsequent offense)

CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MINORITY (Less Than)	CLASS OF OFFENDERS				SCIENTER REQUIREMENT	REPORTING LAWS (Include Sexual Exploitation)	PENALTIES
		PRODUCER	COERCER	DISTRIBUTOR	PARENT			
South Carolina S.C. Code Ann. §§16-15-360 to -380 (Supp. 1986)	18	X			"permit"	P		1 yr. ≤ 5 yrs. $1,000 ≤ $5,000
South Dakota S.D. Compiled Laws Ann. §§22-22-24 (Supp. 1986)	16	X	X	X	"permit"			10 yrs. $10,000 (Production) 2 yrs. $2,000 (Distribution)
Tennessee Tenn. Code Ann. §§39-6919 (Supp. 1986)	18	X	X	X	"permit"	P,D		3 yrs. ≤ 21 yrs. ≤ $10,000
Texas [redacted]			X	X	X	K		2 yrs. ≤ 10 yrs. $5,000
Utah Utah Code Ann. §§76-10-1204.5 (Supp. 1986)	18	X	X		X		§§78-3a-2(1), (2), (4)	1 yr. ≤ 15 yrs.
Vermont No Sexual Exploitation Law								
Virgin Islands No Sexual Exploitation Law								

CHILD SEXUAL EXPLOITATION LAWS

STATE CITATION	AGE OF MINORITY (Less Than)	CLASS OF OFFENDERS				OBSCENITY REQUIREMENT	REPORTING LAWS (Includes Sexual Exploitation)	PENALTIES
		PRODUCER	COERCER	DISTRIBUTOR	PARENT			
Virginia Va. Code §40.1-103 (Supp. 1984)	18	X	X	X	"custody"	X	ch. 11.1 §63.1-248.2	1 yr. ≤ 5 yrs. $1,000
Washington Wash. Rev. Code Ann. §9.68A.020 (Supp. 1983)	18	X	X		X			≤ 10 yrs. $10,000
West Virginia W.Va. Code §61.8C-2 (Supp. 1984)	18	X	X	X	X	X		≤ 10 yrs. ≤ $10,000
Wisconsin Wis. Stat. Ann. §948.05 (Supp. 1984)	18	X	X	X	X			≤ 10 yrs. ≤ $10,000
Wyoming No Sexual Exploitation Law								

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Senator SPECTER. The work you men are doing is certainly important. I appreciate your coming today, especially all the way from Atlanta. I am sorry we do not have more time. I can assure you Mr. Cohen and the staff have given very close attention to the materials you have provided and I have given some attention and shall give more. And we are in motion on this problem, so thank you very much.

[Whereupon, at 2:30 p.m., the subcommittee adjourned, to reconvene upon the call of the Chair.]

APPENDIX

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

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October 30, 1981

Honorable William French Smith
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Smith:

The Subcommittee on Juvenile Justice is holding hearings beginning next week on the exploitation of children. We are interested in your Department's involvement in this area since the enactment of P.L. 95-225, which amended chapters 110 and 117 of the United States Code. Specifically, I request that you provide for our hearing record a report of the number of investigations, cases and convictions obtained under 18 U.S.C. sections 2251-53, and 2423 since their amendment in February 1978.

We would greatly appreciate receiving your Department's written response in advance of our first hearing on Thursday, November 5, 1981, if at all possible.

Sincerely,

Arlen Specter

AS/jec

U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 05 1981

Honorable Arlen Specter, Chairman
Subcommittee on Juvenile Justice
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your letter to the Attorney General dated October 30, 1981, requesting information concerning enforcement of Public Law 95-225.

Seventeen defendants have been indicted under 18 U.S.C. 2251-2253. 1/ Ten defendants were convicted under these statutory provisions. Two defendants were convicted under other pre-existing obscenity statutes. 2/ No defendants were acquitted. As of the present date cases involving four defendants are pending.

The above figures do not reflect the full extent of the Department's enforcement program in the child pornography area. The Department initiated a program of priority emphasis in this area in May of 1977 before Public Law 95-225 was enacted. Since that time forty-three defendants have been indicted under all available statutes including 18 U.S.C. 2251-2253. Thirty-four defendants have been convicted, no defendants acquitted, and cases involving eight defendants are pending as of the present date. The use of 18 U.S.C. 1461-1465 has been mandated in a number of child pornography cases because 18 U.S.C. 2251-2253 is limited to production and distribution for commercial purposes, and many of the distributors of this material are involved in consensual exchange of material, which is violative of the pre-existing obscenity statutes, rather than commercial distribution.

1/ One defendant committed suicide before trial.

2/ Some of the cases brought under 18 U.S.C. 2251-2253 included charges under 18 U.S.C. 1461, 1462 or 1465 as well.

Data concerning prosecutions under 18 U.S.C. 2423 is obtained from monthly reports by United States Attorneys to the Department. However, this data is reported by the United States Attorneys only by reference to the principal statute involved in the case. Therefore, the following data concerning prosecutions under 18 U.S.C. 2423 is limited to only those cases where 18 U.S.C. 2423 was the sole or principal violation. With this limitation in mind, we can report that during fiscal years 1978 through 1980, charges were filed against fourteen defendants under 18 U.S.C. 2423, eight defendants were convicted, one defendant was acquitted and charges against one defendant were dismissed. As explained above, there may have been additional charges filed and dispositions obtained under 18 U.S.C. 2423 which were reported by United States Attorneys under other statutes and which, therefore, have not been picked up in our statistical reporting system. Data for fiscal year 1981 is not yet available but should be available in the near future if the Subcommittee desires to have it.

The Federal Bureau of Investigation has investigative jurisdiction of violations of 18 U.S.C. 2423, and the Bureau shares investigative jurisdiction with the Postal Service for violations of 18 U.S.C. 2251-2253. The Bureau is presently compiling information concerning investigations in response to your inquiry, and this information will be forwarded as soon as it is available. You may wish to contact the Postal Service with regard to child pornography investigations that have been conducted by that agency.

I trust this satisfies your inquiry.

Sincerely,

(Signed) Robert A. McConnell

ROBERT A. McCONNELL
Assistant Attorney General

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

DEC 1 1981

The Honorable Arlen Specter
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

Secretary Schweiker has asked me to thank you for your letter requesting a written statement to be included in the hearing record for the hearings held by your Subcommittee on the exploitation of children on November 5.

Enclosed is a statement describing the Department's programs, projects, and studies dealing with juvenile prostitution abuse and sexual exploitation of children.

Please let me know if our office can be of further assistance.

Sincerely,

Thomas R. Donnelly, Jr.
Assistant Secretary for Legislation

Enclosure

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

STATEMENT FOR THE RECORD

BY THE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BEFORE THE

SENATE COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON JUVENILE JUSTICE

HEARING ON

THE EXPLOITATION OF CHILDREN

NOVEMBER 5, 1981

Responsibility for programs within the Department of Health and Human Services (DHHS) addressing the sexual exploitation of children is located within the Administration for Children, Youth and Families (ACYF), Office of Human Development Services. Two units within ACYF have lead roles: the Youth Development Bureau, which administers the program authorized by the Runaway and Homeless Youth Act and also conducts related research authorized by Title IV-B of the Social Security Act; and the National Center on Child Abuse and Neglect, within the Children's Bureau, which administers the program authorized by the Child Abuse Prevention and Treatment Act.

In response to the Subcommittee's request, this statement addresses the studies, demonstration projects and programs and related activities concerned with juvenile prostitution, abuse and sexual exploitation of children, both boys and girls, that are conducted by these two units of ACYF.

CURRENT PROGRAMS ADMINISTERED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT AND RELATED RESEARCH

The Runaway and Homeless Youth Act does not contain any specific references to juvenile prostitution, sexual abuse or sexual exploitation of children or adolescents. However, these issues are directly related to running away or homelessness, because abuse or the fear of being abused frequently

is a reason that young people leave home, and, once away from home, many of these youth turn to prostitution as a means of survival.

Runaway Shelters

The Runaway and Homeless Youth Act (Title III of the Juvenile Justice Amendments of 1980) authorizes the provision of grants to States, localities, nonprofit private agencies and coordinated networks of agencies for the development and/or strengthening of community-based programs of service which provide temporary shelter, counseling and aftercare services to homeless youth and their families in a manner which is outside the law enforcement structure and the juvenile justice system. In addition to this core set of services, the shelters provide a broad range of other types of assistance, e.g., medical services, transportation, assistance in locating alternative living arrangements, recreation and tutoring. These services are offered either directly by the shelter programs or through referrals to more comprehensively address the needs of the young people whom they serve.

During the competitive funding cycle conducted in Fiscal Year 1981, 169 shelters received funding under the Act. These shelters are located in all 50 States as well as the District of Columbia and Puerto Rico. Approximately 45,000 young people received ongoing services from the shelters in

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Fiscal Year 1981, either on a residential or on a nonresidential basis. An additional 133,000 youth received assistance either over the telephone or on a drop-in basis.

Research

The Youth Development Bureau (YDB) is currently completing a two-year research initiative, entitled "Adolescent Male Prostitution: A Study of Sexual Exploitation, Etiological Factors, and Runaway Behavior." The study has been conducted by Urban and Rural Systems Associates of San Francisco, California. The purpose of this research has been to develop an in-depth demographic and descriptive knowledge base on adolescent prostitution, with a special focus on juvenile males, and to determine the relatedness of this phenomenon to youth involvement in pornography and to runaway behavior. The overall goal of this research has been to identify the special needs of these youth (both males and females) and to use these data in identifying and developing realistic and viable social service strategies (including prevention) for addressing the needs and problems of these youth. The major products of this study will include: (1) an annotated bibliography on adolescent prostitution (both male and female); (2) a report on adolescent males involved in prostitution, which includes descriptive demographic and behavioral information on juvenile male "hustlers" based

developed to serve them. These differences include reasons for entering prostitution, age of entry, sexual preference, lifestyles, reasons for prostituting and self-image.

5. Despite their differences, there are important similarities between adolescent male and female prostitutes, including socioeconomic backgrounds (many are middle class youth), race and ethnicity (primarily white), single-parent or non-intact nuclear families, education and employment histories (both characterized by negative experiences and poor achievement), and extensive runaway histories or involvement with law enforcement agencies.
6. Juveniles involved in prostitution have a wide range of needs which are dependent upon their backgrounds and the circumstances which characterize their involvement in prostitution. Such needs include survival and independent living skills, legal advocacy, health care, crisis intervention, drug and/or alcohol dependency, treatment, employment training and placement, sexuality counseling and mental health services. Many of these youth have been physically or sexually abused.
7. There appears to be little relationship between juvenile male prostitution and other forms of

sexual exploitation, including child pornography.

8. Although every metropolitan area probably has youth involved in prostitution, few communities have coordinated efforts to address this problem. Law enforcement intervention has typically not been successful in deterring individual prostitution or reducing the incidence of this phenomenon.

9. A comprehensive, multiservice approach is considered to be the most effective approach to working with juvenile prostitutes. Such approaches should include coalitions of community agencies (runaway shelters, mental health, health and other service agencies), community education, extensive outreach, and the provision of services specific to the needs of these youth.

Demonstration

In 1978, YDB awarded one of seven demonstration grants under the Youth Demonstration Grants Program to The Bridge for Runaway Youth, located in Minneapolis, Minnesota to implement and test social service approaches targeted at adolescent females involved in prostitution and to provide alternatives in life styles to these youth. The overall objectives and activities of this two-year demonstration project included: (1) the establishment of a safe shelter

program for these youth (and their children); and (2) the improvement and expansion of community services to youth currently involved or vulnerable to involvement in prostitution through increased interagency coordination, the development of community training models and the development of information resources for other agencies working with similar youth.

In summary, the outcomes of this demonstration project included the following:

1. The New Bridge successfully implemented a wide range of social and support services, including: 48-hour emergency crisis services with food, shelter, clean clothing and medical care, if needed; a three-month in-house program, providing individual and family counseling, educational and vocational training and medical and dental care; and outreach and follow-up services designed to support the young women in their independent living or return to their families as well as in pursuing realistic vocational, educational, social and recreational alternatives that discourage a return to prostitution.
2. During the first ten months of operation, 35 young women were served by The New Bridge. The majority

were white (69 percent), were aged 16 or 17 and were residents of the Minneapolis-St. Paul area (73 percent). On the average, they had been involved in prostitution for slightly over two years.

3. A main concern of the staff during the residential period was the provision of physical security against abuse from pimps. The demonstration project was successful in establishing a safe shelter for the adolescent female clients (and their children).
4. The development of a specialized program of prevention and intervention services for juvenile females involved in prostitution can be successfully implemented within a larger program of services to runaway and homeless youth.
5. Former prostitutes appear to be essential service providers with such a program, as they not only give it credibility in the eyes of potential clients, but also understand the specific needs and service requirements of the target population.
6. Flexibility is required in working with adolescent prostitutes, not only in terms of such activities as the scheduling of appointments, but also the willingness to accept the fact that young people may, for a time, return to prostitution and then come back for services.

WORK OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

The 1978 amendments to the Child Abuse Prevention and Treatment Act, contained in Public Law 95-266, expanded the definition of child abuse and neglect to include "sexual abuse or exploitation."[Section 3] "Sexual abuse" is further defined in the amended Act to include "the obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under cirumstances which indicate that the child's health or welfare is harmed or threatened thereby . . ." [Section 5 (b)(3)(A)] Because the basic definition in the Act circumscribes child abuse and neglect to include only harm or threatened harm by a person who is responsible for the child's health or welfare, the National Center's programmatic involvement with child sexual abuse has principally focused on its intrafamilial and child protective aspects.

The following brief descriptions of research, demonstration and service improvement projects, technical assistance to the States on legislative changes, publications and Federal coordination provide the overview of the National Center's work in this area, as requested by the Subcommittee.

Research Projects

The National Center has supported four research projects over the past two years. Two projects deal with the use of children in pornography. Their purpose is to generate new knowledge and understanding about the problem of child pornography and to contribute to the development of remedial programs and provide insights into new approaches to preventing and reducing the problem and its consequences. These projects are being conducted by researchers at Boston University and the Washington School of Psychiatry, and each has received $100,000 over a two year project period. Final reports are due in September 1982.

The other two research projects focus on intrafamily child sexual abuse. One seeks information about the nature and dynamics of sexual abuse of young boys by family members. It is being conducted by the Child and Family Services of Knox County, Tennessee, and has received grants totalling $100,000 over a two year project period. The other is now completing analysis of data gathered from a large sample population of adult women who were sexually molested as children. It is being conducted by the Wright Institute of Berkeley, California, and has received grant support amounting to $85,000.

Demonstrations and Service Improvement Projects

Beginning in 1980, the National Center supported two-year demonstration projects to test ways of preventing child sexual abuse and molestation through the eduction of school-age children. The specific objectives of this demonstration program are: (1) to design and implement education programs for school-age children which are aimed at helping to prevent or reduce the occurrence of child sexual abuse by increasing awareness of the problem and its consequences; (2) within the context of specific program models, to develop and test methods of imparting information to children concerning sexual abuse and assault, as well as techniques for dealing with and avoiding sexually abusive situations and information on where to get help; (3) to develop education/prevention program models which can be adapted to reach children of all ages and which can be tested on diverse populations such as inner city, rural, minority and handicapped; (4) to demonstrate ways of gaining the acceptance and cooperation of school systems and/or other organizations with access to large numbers of children in implementing and institutionalizing education prevention programs of this type; (5) to develop and test materials, curricula and other teaching aids which can be used to replicate these demonstration efforts; and (6) to work closely with local child

protection agencies, law enforcement agencies and available sexual abuse treatment programs to insure that the local investigation and treatment resources are sufficient to meet the needs created by any case finding which occurs during the course of the education/ prevention programs.

Six projects, located in North Carolina, Indiana, New York, Massachusetts, Washington and Minnesota, have been carrying out this demonstration program, with funding of $50,000 each year. One project has also carried lead responsibility for technical assistance and evaluation and has received an additional $50,000 for those purposes. The projects are due to terminate in September, 1982.

Five demonstration projects have been funded for three year periods for purposes of designing and carrying out interdisciplinary training on child sexual abuse intervention and treatment. These five projects meet the legislative mandate that a minimum of three such centers be established to provide treatment and professional training on the subject. The five projects are located in Washington (State), California, Illinois, Tennessee and Pennsylvania and are designed to recruit trainees so as to provide access to their training programs from all parts of the country. Funding ranges between $200,000 and $400,000 per year for each project.

Though the principal focus of these projects is intrafamily child sexual abuse, they also address issues of treatment and intervention for sexually exploited children.

In addition to the demonstration programs, the National Center has supported since 1980 fourteen service improvement projects. Six of these projects, receiving $80,000 each year, are improving intervention and treatment capacities by instituting interagency teams, composed at a minimum of representatives from child protective services, law enforcement and judicial/ legal agencies within their communities. The other eight, receiving $50,000 each year, have developed specialized child sexual abuse intervention and treatment units with public child protective service/social service agencies responsible for receiving and acting upon reports of child abuse and neglect. These projects are located in Louisiana, South Carolina, Texas, Michigan, California, North Carolina, Wisconsin, Kansas, Florida, Arizona, Maryland, Oregon, and Washington, D.C.

Technical Assistance to States on Legislative Changes

During Fiscal Year 1981, the National Center provided intensive technical assistance to State social services agencies on analysis and amendment of State child protection legislation to effect inclusion of sexual exploitation as a reportable form of child abuse and neglect requiring child

protective, as well as law enforcement, intervention. Meetings were held with State officials in all ten Federal regions to determine those States for which legislative changes would be necessary in order to cover sexual exploitation in child reporting legislation, those States needing only Attorney-General opinions and those which already covered sexual exploitation in their child abuse and neglect reporting laws. It was found that virtually no States had legislation covering the child protective needs of sexually exploited children. Even in cases where criminal law did address sexual exploitation, legislation was found to be inadequate to cover such situations as juvenile male prostitution. Often children in the age range from 14 to 18 were not protected by the States' criminal law, in contrast to protection of children up to 18 under the child abuse and neglect reporting laws of virtually all States. Continuing technical assistance has been available to the States from the National Center's staff, Regional Office staff and expert personnel of the National Legal Resource Center for Child Advocacy and Protection, sponsored by the American Bar Association and funded by a grant from ACYF.

Publications

The National Center has addressed the issue of sexual abuse and exploitation of children by publishing two documents for

broad dissemination to the field. They are Child Sexual Abuse: Incest, Assault, and Sexual Exploitation (1979, revised 1981) and Sexual Abuse of Children: Selected Readings (1981). The National Center is in the process of completing a curriculum on intervention and treatment of child sexual abuse, which focuses principally on intrafamily child sexual abuse issues. In addition, periodic newsletters of Regional Child Abuse and Neglect Resource Centers and the National Legal Resource Center for Child Advocacy and Protection, funded by ACYF, have carried articles on child sexual abuse, the use of children in pornography and juvenile prostitution, in efforts to increase professional awareness of these problems.

Federal Coordination

The National Center is mandated to provided coordination of Federal programs related to the prevention and treatment of child abuse and neglect. Since 1978, the child protective issues related to the sexual exploitation of children have been included in that coordination mandate. Currently, the National Center is working closely with the Center for Communicable Disease Control in efforts to insure that children who have contracted venereal diseases receive child protective as well as medical attention. The National Center's specialist on child sexual abuse issues is participating in November with the Center in a workshop for public health professionals to increase their awareness of the child protective ramifications of childhood venereal disease. In addition, the National Center has consulted on an ad hoc basis with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice to coordinate efforts related to sexual assault against children.

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